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No. 605. JULY

ABOUT THE WELFARE

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[illegible] been many accounts by officers of [illegible] operations in enemy occupied territory [illegible] story of the millions who form [illegible] resistance. Here for once we [illegible] are the Allied soldiers the [illegible] a constant source of danger to all who protect him.

[illegible] the German invasion of [illegible] George Psychoundakis was in the [illegible] playing a special part. His duties as guide [illegible] demanding and dangerous. They entai[l] [illegible] journeys, usually at full speed over some [illegible] mountains in Europe, carrying messag[es] [illegible] secret wireless stations in the mountai[ns] [illegible], explosives, and arms for guid[es] [illegible] New Zealand stragglers and agent[s] [illegible] heavily garrisoned areas.

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THE

QUARTERLY REVIEW

No. 605.—JULY 1955

Art. 1.—DOUBTS ABOUT THE WELFARE STATE.

THE Welfare State has been established with fundamental agreement between political parties. While disputes arise from time to time on matters of detail, there has been unity on the general principles. No political party wishes to undo what has been achieved or to make alterations in the structure of the scheme. Nor has any party shown any desire to examine either its principle or its practical working. This being the situation, it seems desirable that those outside the political arena, especially those with no party allegiance, should put forward such doubts as they may have and the reasons for them. In fact they are the only people who can do so, as they are not dependent on popular election. I write as one who was brought up in a Liberal and Radical family, but whose loyalty to the Liberal Party weakened and finally ceased when the first steps towards the building of the Welfare State were taken by the Governments of 1905 to 1914. I have never been a member of any party and for fifteen years I held a judicial appointment which excluded political controversy. This suited my temperament and I have continued to watch the political scene from outside without party loyalties.

The first aspect of the Welfare State that needs attention is its effects upon Parliament itself. The House of Commons is by tradition the custodian of state expenditure, and many constitutional battles that established our freedoms were fought to maintain this control. In the nineteenth century the Liberal Party struggled consistently to reduce the volume of public expenditure. In Morley's 'Life of Gladstone,' Chapter Three of Book Five is headed 'Battle for Economy.' No such heading is likely to appear in the life of any twentieth-century statesman. Gladstone applied his rigid financial principles to all branches of

expenditure and particularly to the cost of national defence. His desire was that less should be taken from the pockets of the taxpayers. To-day when politicians criticise the cost of the armed services, the motive is not to relieve taxpayers, but to provide more money for distribution as benefits to groups of people who are powerful at elections. In theory Ministers of the Crown have still a monopoly over the promotion of schemes involving expense, but members of all parties constantly use their influence for policies that must increase expenditure. Emotional pleas come from all parts of the House for increased benefits for sections of our population. When a Chancellor of the Exchequer exhibits a momentary mood of Gladstonian economy, the results are damaging to his party. Thus when in his Budget of 1952 he severely restricted subsidies on food prices, there followed quickly electoral reverses for his party. For instance, an evenly balanced London County Council was promptly changed into one with a big Labour majority. (That majority was substantially reduced in 1955.) Similar results took place in 1952 in other parts of the country. The facts that in the same Budget the amount of children's allowances was increased and other adjustments made to counteract the increased cost of food were not mentioned and played no part in electioneering then or since. This episode is typical of the politics of the present day.

In 1954 wise words on the subject of political pressure to increase state expenditure were used by the man who was in the best position to observe the facts. In a paper on the ' Parliamentary Control of Public Expenditure ' Sir Frank Tribe, Comptroller and Auditor-General, said :

> ' The number of members who now consistently press economy is much smaller than it was. Even those who urge such economies as the reduction of staff in Government departments may well press for much greater expenditure in other directions. There appears to be a growing feeling that the back-bencher is free to press for additional expenditure in any way that appeals to him.'

To-day the House of Commons is inadequate as the guardian over national expenditure and it is difficult to imagine how it can resume its historic rôle. It is worth remembering that some of the statesmen of the nineteenth

century foresaw that an abandonment of sound principles of finance would be likely to follow great extensions of the franchise. Thus Lord Palmerston once opposed even a moderate widening of the electorate on the ground that it would ' increase the number of bribeable electors.' When Palmerston was a young man there was much bribery of individual electors, but this has been followed by bribery on a national scale of whole classes, especially of those that have the greatest electoral power. The oncoming of Democracy with its universal adult suffrage need not have had this result. Similar electoral changes have taken place in the United States of America, but even after the ' New Deal,' the personal and economic independence of individual electors is still prominent and the struggle towards advancement takes place without demands for political and monetary assistance. No American political party in federal politics clamours for financial benefits for sections of the people, or denounces those who have saved capital, or even those who have inherited it. The American political system has its own grave problems, but in our country the depressing fact is that so few even realise that this is one of our major problems. But until it is solved and the House of Commons can again become the true guardian over public expenditure, impartial between the economic classes, our form of Democracy can never be in a truly healthy condition.

The next problem is whether, assuming that the conception of a Welfare State is a sound one, our Parliament introduced it before our people had reached those standards of personal integrity and self-respect on which alone such a plan could be established without harmful consequences. In order to be sound a Welfare State ought to be regarded by the people as an honest man regards his insurance policies. Individuals insure against the risks of fire, burglary, etc., and thereafter enjoy the comfort of feeling that, if bad luck comes, there will be no complete disaster. The premiums are paid and if no cause arises to make claims, that is a matter for thankfulness. The Welfare State should be regarded in the same way. On the personal level there can be no doubt that if an individual A agrees with another individual B to protect him from the results of illness or misfortune, then B would automatically be under an obligation so to behave that at least the interests

of A will not be injured. In particular B would be morally bound (1) not to harm A or to assist anyone who wishes to harm A and (2) to do all that he can to remain independent of A's assistance and never to expect from A more than is absolutely necessary. This cannot be disputed. So if A is the State, are we not entitled to expect similar standards from all the Bs who receive similar protection? This seems to me to be the only possible basis of a healthy Welfare State. But in reality both those who created and those who are protected by the Welfare State have shown quite different standards. Indeed, the standards adopted have been such that it is reasonably clear that the left wing in politics have aimed to create not a Welfare State but an egalitarian social system.

(1) Policies that must tend to injure the State have continued on a large scale. Anti-social acts such as strikes and threats of strikes have continued, even in the nationalised industries, where no question of undue profits could possibly arise. As organised, the Welfare State has even facilitated such events by providing free maintenance under the National Assistance Act for the wives and children of the strikers, just as if the men had been genuinely unemployed. The strikers themselves have been maintained in part through claims for the return of income-tax contributions. No attempt has been made to distinguish strikes which were approved by the trade unions concerned from unofficial strikes organised by extreme sections of men contrary to their formal agreements and to the advice of the leaders of their unions. Let us examine a few of these happenings.

The workers in nationalised industries have repeatedly demanded increased wages or improved conditions of work by threats of strikes. When it was authoritatively stated that the nationalised railways could not afford to meet the demands made, a claim was put forward that the Government must subsidise the railways (or 'subside the railways,' as I heard a rural railwayman say). In the case of the National Union of Railwaymen a Conservative Minister of Labour used pressure on those responsible to make them in effect give in to this demand. The inevitable reaction was that similar claims were made by the other railway trade union, that of the engine-men. These men began their strike despite persistent official attempts to

negotiate. Yet, whatever the basic rates of pay may have been, more than one-fifth of them earned over 14*l.* per week and one half between 10*l.* and 12*l.* (Statement by the Transport Commission in 'The Times' of April 30, 1955.) The story of unrest in the ports is even more serious. There have been strikes that must have grave consequences upon the nation's imports and exports, the fundamentals of national life. Both the men in the docks and those in tugs and barges have struck in defiance of agreements entered into by their trade union. 'Mass indiscipline' was referred to in the report of the National Dock Labour Board for 1954. The total number of man-days lost in that year was 714,569, 90 per cent. of which took place in the London strike last autumn. The present year has also seen serious strikes in the ports. The consequent delays to shipping, an industry that has to face keen international competition, were grave. Similar events have taken place in the coal mines, where there were 607 strikes in 1954 resulting in the loss of nearly half a million tons of saleable coal. The figures for the present year are certain to be considerably worse because of the strike in April and May of 'fillers,' which caused many pits to be idle. Although the miners won their battle for nationalisation and despite the high wages that they obtain (with full justification), they consistently fail to produce the amount of coal that our nation needs. Year by year scarce foreign currency has to be used to buy coal abroad and our exports of coal suffer accordingly. But perhaps the strangest strike of recent years was that which involved the national newspapers. For nearly four weeks these papers, even 'The Times,' could not be published because the electricians and maintenance men refused to work. These men gave no thought to the fate of those who earn their living in newspaper offices, to those who sell papers wherever the public congregates, or to those who distribute them in all parts of the country, although many of these men and women were far worse paid than they were.

Men who under modern conditions strike, or threaten to strike, mostly do not understand the injury that they inflict upon the nation or the harm that they do to their own trade unions. Most of the leaders of the unions are men with long experience of discussing difficulties with employers, but they have not in many cases adapted

themselves to the needs of the times. Some of them are insufficiently in touch with their members. Two modern factors have tended to weaken the position of the men at the head of the unions. Some of their best leaders were taken away from them and given posts in the management of nationalised industries. Whatever gain there may have been to these industries is heavily outweighed by the loss to the unions. Secondly national and local politics have received far too much attention within the unions, with the result that their industrial work has suffered. The need to-day is that the trade unions should examine their own position and find out the causes of present weaknesses, for within the unions are forces that threaten to disrupt the movement. Already some of the unions have Communists at their head. Among these are the electricians' union, some of whose members were responsible for the prolonged hold up of the national newspapers. In many other unions Communist influences are strong among the rank-and-file and it is these men who work up local grievances and encourage strike action in defiance of the wishes of the leaders. To the Communists the Welfare State is a step towards revolution and the complete downfall of capitalism, so those who value the Welfare State as an end in itself need to come to grips with the subtle workings of the Communists in their midst. The leaders have power to enforce discipline within their ranks and to penalise their members when they break agreements constitutionally entered into on their behalf. If they continue to fail to control their members, it will be for the Government to act. The Welfare State cannot indefinitely remain an agreed policy if the nation is year by year weakened by strikes. As Mr R. A. Butler said during the General Election campaign, ' there has been growing up lately an alarming tendency, which the trade unionists dislike as much as we do, for deliberate strikes to be fomented by Communists with a view to paralysing sections of the community.' It is not enough for the leaders of the trade unions to ' dislike ' this tendency. It is for them to realise the danger to the Welfare State and to do all that is possible to prevent their own members from taking part in disruptive policies.

(2) The obligation to regard the assistance of the Welfare State as but a last resort and to struggle to remain

independent of it is as important as to avoid acts that weaken the State. But here too the record of what has happened is not encouraging. Far from accepting the principles that underlie private insurance, there has been a persistent eagerness to obtain from the Welfare State the maximum personal advantages. It is within the memory of most people that when the original National Health scheme was introduced, the one that was so utterly unsound in its financial structure, there was such a widespread rush for free medicines, spectacles, appliances, etc., that the manufacturers were in many cases overwhelmed, particularly those that made spectacles. It so happened that at that time I needed new reading glasses on the recommendation of the oculist who had looked after me for many years. When I went to be fitted (and to pay the bill), the manager of the firm said to me: 'People have gone mad about glasses. I spend much of my time fitting people with glasses who do not really need them at all.' When later Parliament directed that there should be small charges for spectacles, dental treatment, appliances, etc., there was a political outcry. One prominent member of Parliament on the extreme left went so far as to accuse the Government of 'rotting the miners' teeth.' He thus assumed either that the miners would be too mean to spend money on dental care or that they could not afford to do so. Yet the miners are now some of the highest paid of all workers, and rightly so, and can easily afford the necessary payments. But this member took no pride in that happy state of affairs and could not bring himself to realise it. He resented the fact that the miners, whom he professed to know well, had so raised their status that they had no need of free treatment or dentures and could henceforth be more independent of State aid. Unfortunately the attitude of this member has become typical of many politicians, but it is fundamentally inconsistent with the principles on which alone a Welfare State can be sound. As a result there has spread abroad the idea that self-help is out of date and that the proper source from which our needs should be supplied is some public department.

I see the evil results of this attitude in my work in local government. I have been a member for several years of a committee of a rural district council which is responsible

for advising whether old houses should be repaired, or marked down as unfit for human habitation. In some cases the tenants of decayed cottages genuinely cannot help themselves and, owing to rent control, the landlords are also powerless. But other tenants could have obtained or built better accommodation without any resort to municipal housing. I remember one cottage that was in a shocking condition occupied by a family in which there were four people of working age. The sanitary inspector stated that at least 30*l.* a week was being earned by the family. The father and two sons were in the building trade. With the help of a building society, or of the Government's scheme to enable local authorities to help house-purchase or house-building, that family could long ago have obtained better accommodation. Yet because of the ideas now prevailing that family continued to live without a damp-course, with no drainage, and all the floors rotting. In another case a man with a business of his own was living with his family in a semi-detached cottage in an appalling state of disrepair. The next-door house was a ruin. This man was insistent that it was the duty of the rural council to re-house him, yet I was told that he had actually bought a cottage, but resold it when the chance came of making profit on it. It was my duty to tell him that the prospects of his obtaining a council house were poor. Another significant feature of this case was that the owner of the cottage was a man of means, well able to re-house his tenant. But he confined his efforts to pressure upon the rural council to do this for him.

This lowering of the spirit of self-help is also visible in some of the work that is now done for the benefit of youth, much of which is valuable. The well-known Circular 1486 defines the powers of county councils in this respect. While some councils have gone far with the provision of buildings and paid staff, etc., others have concentrated on methods for helping those youth clubs that help themselves. In some of the latter counties new towns are being erected to take some of the population of London that is regarded by the authorities as surplus. In one of these the county youth leader told me that his colleague from the local new town sent him a long list of what was required : the colours of the football jerseys and the sizes of the boots and so on were all set out. This local leader, having come

from Socialist London, fully expected all the needs of his youths to be supplied. The county leader had to point out to him that his youth committee was for the moment more interested in what the young people in the new town were in fact doing to help themselves. This came as a shock to the Londoner. I once attended a public meeting of youth leaders in the new town of Crawley. Interesting speeches were made, but when the time came for questions from the audience, the emphasis was all on the provision gratis of further facilities. One man informed the leaders that he had formed a club for ball-room dancing and enquired whether a hall could be provided. He had yet to learn that the spirit of youth work in the county of West Sussex was quite different. In one old town in this county the local youth built their own hall in their spare time. Many people in the locality were glad to help towards the cost of materials and all that the county council did was to provide a small interest-free loan. It will probably be a long time before the youths in the new towns acquire this sound enthusiasm for self-help.

Another sphere in which the Welfare State has had dangerous influences is the vital one of the family. For a long time parents have been encouraged to regard the education of their children as primarily a matter for the school authorities. The Education Act of Mr R. A. Butler has intensified this. Parents of children in the schools of local education authorities are no longer allowed to pay any fees ; even the transport of their children to and from school is free and school meals are paid for at far less than cost price. While it is right that this should be so in cases of real poverty, many parents, probably a majority, do not need these forms of help. Those who are always eager to relieve parents of the cost of bringing up their children ignore the fact that the sacrifices that parents make for the benefit of their children yield a rich harvest later in the characters of their children. Gratitude for what parents have done for them in their home is a powerful and educative fact for good in children's lives. There is also a positive danger in the policy of State benevolence towards parents. There are signs that parents are more and more abdicating their natural duties. In his Foreword to ' Family Inheritance,' the life of Eva Hubback, Lord Samuel wrote : ' From a variety of causes in the

present world of flux and change the stability and authority of the family has been undermined and weakened.' Lord Samuel did not specify the 'causes,' but the growth of the powers of local authorities over the parents and increased free benefits are surely among them. In a speech reported in 'The Times' (Dec. 30, 1954) Sir Charles Morris, Vice-Chancellor of Leeds University, declared: 'Parents should stop abdication from their responsibility for their children. . . . They had allowed themselves to be bullied into retiring unobtrusively into the background and playing a small part.' Such parental abdication can only have evil results upon the children. The number of children who have to be placed in the care of local authorities has increased year by year. These local authorities and the charitable institutions that cater for neglected children do their best for such children, and more and more they are endeavouring to avoid bringing them up in institutions, preferring to board them out whenever possible in suitable individual homes. Every magistrate of experience knows that the young offenders who are most difficult to divert from criminal activities are those who were brought up in institutions. But while substitute parents are ordinarily better for the children than life in an institution, the supply of people willing and able to accept waifs into their homes is not inexhaustible. It needs to be remembered that during its first seven years a child evolves from the self-centredness of babyhood into one that comes to recognise that it is not supreme and that the claims and needs of others have to be considered. To bring about this development is the essential task of a child's parents. This is why the supreme duty of the Welfare State should be to see that parents carry out their natural duties and, where necessary, to encourage them to do so. All remedial work performed by agencies of government needs to be re-examined to see whether it is working to this end, or tending to make it easier for parents to transfer their obligations to others. Lord Kilmuir, when he was Home Secretary, once wrote that 'there is a tendency for parents who could be good and careful parents to feel that other people are now paid to look after their children and will do it better because they are experts' (Article in 'Man and Woman,' the journal of The Alliance, spring 1954). This is a real danger and can inflict considerable harm on the

characters of both parents and children. Unfortunately there is a political section that is prepared to pay even this price if they think they can obtain their goal of a classless, egalitarian society. To them education is primarily a means to this end. It is difficult to avoid the suspicion that this conception lies behind the enthusiasm for Comprehensive Schools (schools combining Grammar School and Modern Secondary School education in one vast building). A recent publication of the London County Council, 'Education in London 1945–1954,' contains the phrase: 'The Council thought that in a modern society it was essential that school life should promote a feeling of social unity among adolescents of all kinds and degrees of ability.' A better understanding between social classes is all to the good, but to remould our schools with that prime object would seem to be dangerous in the extreme. Their first duty is the development of their pupils' characters on sound lines. Even the imparting of knowledge is secondary to that. Another questionable aspect of State education to-day is the importance that is attached to tests of ability at the age of eleven. If the advocates of Comprehensive Schools concentrated on the fact that in such schools these tests have less importance, they would be standing on firmer ground. The present scheme, with its rigid rules and tests at eleven, is apt to retard the child of exceptional ability and to ignore the needs of children who develop late. This rigidity is harmful to family life, for while bright members of a family can forge ahead and even reach a university, the late-developers may only receive a minimum education. Yet the latter may prove in the end to be as clever as the brothers and sisters who were bright when the tests were applied. At all times there are men and women in high places who at the age of eleven showed no signs of great ability.

Another branch of the Welfare State has done and is doing much harm in the homes of our people. For many years politicians of the left put forward the demand that there should be a free service of legal aid. They argued that free legal aid is just as necessary as free medical attention. This demand was examined carefully by a strong Departmental Committee during the years 1925 to 1928. In its final report this committee stated: 'It is manifestly in the interests of a State that its citizens

should be healthy, not that they should be litigious.' But this kind of common sense was not accepted when after the last war the Socialists came into power. The Legal Aid and Advice Act of 1949 produced many strange results, with most of which this article has no concern. But one of these results most closely affects the homes of the people. The new enthusiasm for free or assisted litigation had to include applications for divorce, etc. in the Divorce Court. In fact about four-fifths of the certificates annually granted for free or assisted legal aid have been for such cases. It was assumed by those who passed the new Act that those who applied for divorce adequately realised what they were doing and the consequences of their actions. But those who have had long experience of the matrimonial work in magistrates' courts know full well that this is not the case with large numbers of people. They know that frequently applications to break up a home are made on impulse and that those who make them have given little thought to alternative remedies for their unhappiness, or to the inevitable results if their applications prove successful. In the course of time most magistrates' courts evolved a system whereby applicants for matrimonial relief could receive help from experienced social workers, who would discuss their troubles privately in a spirit of sympathy and impartiality. Through such discussions many homes have been preserved and the troubles of the parties reduced to their proper proportions. Thus countless children have continued to benefit from life at home with both parents. But under the new scheme for legal aid there was no provision for social help. It was assumed that matrimonial troubles are solely legal problems and that lawyers are competent to handle them alone. Slowly it dawned upon the authorities that there are some problems in matrimonial disputes that are not solely matters of law. So the services of a probation officer were made available for some judges in the Divorce Court when questions concerning the custody of children have to be decided. It has not yet been realised that it is vastly more important that the services of experienced social workers are more desirable at the beginning of divorce cases than at the end. Before petitions for divorce, or other matrimonial relief, are drafted there is urgent need that the parties should be encouraged to discuss their

difficulties with friendly social workers in order that it may be discovered whether a decree of divorce is the best possible way out of existing troubles. In some cases divorce is the best course, but there are many others in which a decree of divorce will merely add to the problems that need to be faced. Often there are alternative courses, and sometimes there are ways of preserving the home to the immense advantage of young children. To facilitate the discussion of these alternative courses and to educate those about to marry, so that they will avoid the pitfalls of married life, Marriage Guidance Councils have sprung up in most of the principal towns. But in these days of high taxation it is extremely difficult to establish and maintain new charities. These councils have been forced to seek the aid of public bodies and the results of such applications afford a strange insight into the values of those who direct the affairs of the Welfare State. In the year 1953 no less than 774,000*l.* was paid out of the national exchequer for free or assisted legal aid in matrimonial cases. The sum given from public funds to assist Marriage Guidance Councils and a few other bodies doing similar work amounted in the same year to 12,000*l.* No one who works in any capacity in the Marriage Guidance movement wishes that State aid should become so abundant that State supervision and control become inevitable. But it is quite likely that if the Welfare State accepted the fact that marriage problems are primarily social rather than legal questions and if social aid were made available before legal aid is granted, the expense to the State of legal aid could be substantially reduced.

There are other branches of the Welfare State that need examination from the point of view of the family, but so long as emphasis is laid by politicians on the supposed need for ever-increasing money benefits no such examination is likely to take place. But policies involving personal payments from public funds can devitalise large sections of our population and adversely affect their character development. The supreme need is to encourage independence and the due performance of individual and parental obligations. It needs to be realised that the difference between the child or youth who steals, uses violence to attain its ends, or who cannot control its natural endowment is primarily one of character. In the

formation of the characters of our children the rôle of the parent is all-important. Too much has already been done, as has been said, to encourage parents to transfer to others their prime responsibilities. One result is that while the volume of juvenile crime has decreased since about 1953, the statistics for juvenile crimes of violence and sexual offences have actually increased. This indicates a deterioration of the characters of our young people and for this deterioration the Welfare State, as now operating, is largely responsible. It is too easy for politicians and others to see a need and promptly to legislate to provide for that need from public funds. All branches of the Welfare State should be re-examined in order to see its effects on home life, parental responsibility, and the characters of our people, both young and old.

CLAUD MULLINS.

Art. 2.—THE PLACE OF THE PROFESSIONAL IN MODERN DIPLOMACY.

AUTHORITIES are inclined to differ as to what may accurately be described as the great days of diplomacy and of the professional diplomat, but the claim of the first half of the nineteenth century is extremely difficult to reject. It is true that Sir Harold Nicolson in his Chichele Lectures a year or two ago seemed to prefer an earlier period, namely the age of Louis XIV, and there is much to be said for his choice ; but the diplomats concerned were not professionals in the modern sense, so perhaps the claim of the later century may be preferred when the professional diplomat is in question. He certainly enjoyed many advantages which are unknown to his successor of the present generation. Means of communication were very slow ; there was no telegraph, let alone telephones and wireless. Once an ambassador had taken up his post he could not rely on any sort of regular communication with his government at home, and if a crisis arose he had to use his own initiative and discretion. This was particularly the case in the Far East, since it took the best part of a year to get an answer to a letter sent from there to London or Paris. The powers of an ambassador in these circumstances were enormous, for he could easily embroil his country in hostilities without his home government knowing anything about it, and Stratford Canning's share of the responsibility for the Crimean War is significant in this respect.

Such a state of affairs naturally made governments very careful whom they sent to represent them abroad, and in consequence there are surprisingly few examples of ambassadors having abused the strength of their position. One of them, however, seems to have been no less a personage than Chateaubriand, when he represented Charles X at the Holy See, for on the death of Leo XII in 1829 he is said to have imposed the French veto on a cardinal of whom he disapproved without having previously ascertained his master's wishes.

It was during this period that the modern diplomatic service took official shape, and so far as Great Britain was concerned the tightening up of discipline was largely due to George Canning. That his rigorous methods were not unnecessary is clear from the fact that the minister at

Lisbon had to be reproved not only for his 'slovenly penmanship' but also for the objectionable practice of packing up tea in his official despatches. It had also become the custom with a great many ambassadors to introduce irrelevant and personal topics into their letters, and this too was stopped. Canning made a rule of keeping private and official correspondence distinct, and of destroying the private. Of course the prestige then attaching to a Foreign Secretary was very great indeed. Chatham, for example, never in any circumstances allowed a subordinate to be seated in his presence, and even the highest officials were summoned to his room by the ringing of his bell, just as if they had been his personal servants. An ambassador in his embassy was hardly less awe-inspiring; yet there was a good deal of humanity even in that formal world. Stratford Canning, for example, was a very formidable chief and his temper was not always of the best. One day he burst out at a young secretary, 'Damn your eyes, Mr Hay,' to which came the instantaneous reply, 'Damn your Excellency's eyes, Sir.' There was a pause during which a pin could have been heard to drop, and then the Great Elchi remarked, 'Quite right, my boy; I had no business to swear at you.'

With the arrival of the telegraph in the middle of the nineteenth century a change came over diplomacy and diplomats, and it has been going on ever since. Ambassadors became more easily controlled by their respective governments, and there was no longer any need to give them any wide powers of discretion. On the other hand it was still comparatively rare for a conference of the Powers to take place, save at the conclusion of a war or when there was some particular problem to be discussed. Nor did the various Foreign Ministers meet a great deal, though it must be admitted that during the years immediately preceding the First World War there was an increasing tendency for them to come together. British Foreign Secretaries, to whatever party they belonged, rarely left their own country, and this was equally true of Salisbury, Lansdowne, and Grey. As a result all international business was normally conducted through the ambassadors, who thus maintained an outward appearance of importance even if they were receiving telegraphic instructions from home hour by hour.

The old diplomacy did not come into existence suddenly, but was the result of a gradual development; and it was admirably suited to the world of orderly progress which generally existed before the First World War. Our ancestors were very far from being the fools they are often depicted. The long religious wars which were the result of the Reformation caused something like the law of the jungle to become the order of the day all over Europe. The elaborate procedure of the old diplomacy was an attempt—and a very successful attempt—to restore decency to international relations, and many a war was prevented by this means. Of course success depended upon the politicians not wrecking the machine by their interference. The diplomat did his work quietly and unostentatiously, and when he had scored a point over an adversary he did not rub it in or announce his triumph from the house-tops. In short, the system worked so long as the men in control were determined to make it work; that is to say so long as the politicians were content to transact international business in the main through the professional diplomats, and with a few exceptions they were so content down to August 1914.

It may thus be said that until the outbreak of the First World War the position of the professional diplomat was at once respected and dignified, and it was that conflict which, for a variety of reasons, changed this position for the worse.

After more than forty years the origins of the First World War can be regarded objectively, and it is now clear that it came about because in several countries the mass of the people wanted a fight and it was more than their rulers could do to stop them. It is true that in high places there was much indecision and not a little treachery. For example, when the Tsar ordered mobilisation against Austria-Hungary alone, in the hope of limiting the scope of the conflict, the War Minister continued with a general mobilisation while concealing what he had done from the Tsar and denying it to the German military attaché. This, however, does not alter the fact that in most countries the coming of the war was popular. Yet, as it progressed and a decision seemed as far off as ever, opinion began to change, more particularly when all sorts of personal inconveniences commenced to be felt. Some wicked person, or persons, must have loosed these ills upon mankind. So

the crowds who in every capital of Europe had cheered the coming of the war conveniently forgot the fact, and began to look round for someone to blame for the discomforts they were suffering. It is uncertain who was the first to find a scapegoat in the professional diplomat and in the so-called ' secret diplomacy ', but before long both were held up to ridicule and scorn all over the world. Thus the first of President Wilson's Fourteen Points stipulated for ' open covenants of peace openly arrived at ', and ' open diplomacy ' became the popular watchword. The world was ' to be made safe for democracy ', and no attention was paid to the realists who suggested that it would be as well to start by making democracy safe for the world.

From the beginning there was a great deal of humbug about all this, for it is impossible to carry on any negotiation, diplomatic or otherwise, without a certain amount of secrecy. As Bismarck once told the Prussian Diet, ' If you want to buy a horse you don't go about telling everyone the maximum price you are willing to pay, or if you are trying to sell one you don't publish abroad the lowest price you will take. Diplomats have got to act in the same common-sense fashion.' Actually, there was very little open diplomacy about the Peace Conference in 1919, at any rate so far as the vanquished were concerned. After a good deal of haggling among themselves behind closed doors the Big Four dictated terms to Germany, who had to agree under threat of a renewal of war and with the blockade still in force. It is true that at Brest Litovsk two years earlier Germany had behaved in precisely the same way to Russia ; but then the Germans had not pledged themselves to the principle of ' open covenants of peace openly arrived at '.

Yet all the way through the period between the two wars lip-service continued to be paid to ' open diplomacy ', though those who paid it often had their tongues in their cheeks. The truth is that before the First World War diplomats and statesmen believed in the system of diplomacy which they were working, but between the wars they were at heart sceptical. One result of this was the appearance of a crop of attractive-sounding slogans. When ' making the world safe for democracy ' had served its turn, there was a pact ' to outlaw war ', but hardly had this idea run its course than the Japanese attacked China and Hitler

came into power in Germany. The next catchword was ' collective security ', and how much that meant in practice Austria and Czecho-Slovakia were soon to learn. Incidentally, perhaps the best definition of collective security was that of the cynic who said that from what he saw it seemed to mean collecting all the security one could and putting it in a Swiss bank.

On the other hand it must be admitted that the task of those in authority, whether statesmen or professional diplomats, was not rendered any easier by the extent to which public attention was concentrated upon international affairs. In Western Europe and in the United States interest in domestic politics tended to wane at this time, for they were neither as intelligible nor as sensational as they had been, nor as urgent as they were to become. In consequence the attraction exercised by foreign politics, which were extremely spectacular, was enormously enhanced, and to a dangerous degree, since sentimentality increased among the public without a corrective deepening of knowledge. In short, the man-in-the-street tended to ignore the subjects upon which he was competent to express an opinion in favour of those which his experience had not equipped him to understand. There were, of course, large numbers of people in all countries who devoted themselves seriously to the study of international affairs, but there were very many more who regarded them in much the same light as a thrilling film or a detective story. A section of the press, as well as innumerable authors, encouraged this attitude, until in town and country alike people were glibly talking about the state of nations they would have had the utmost difficulty in locating on a map and of whose history they were entirely ignorant. In a word, foreign politics became fashionable.

This was far from being an ideal background against which to do business, and it explains, if it does not justify, the invention of the slogans to which allusion has already been made. In several instances they were devised to keep the public satisfied, but as often as not they merely raised expectations which were doomed to disappointment. Nevertheless, diplomacy was supposed to be ' open ', and whether they liked it or not democratic politicians had to keep up the illusion. The effect on international relations was often disastrous, more particularly when the dictators

discovered this talk was mostly bluff and then proceeded to call it.

All this had considerable bearing upon the position of the professional diplomat. For the most part he appeared outwardly unchanged during the period between the wars, and even Russia numbered one or two men of distinction among her ambassadors, notably Maisky. There was, too, a good deal of diplomatic entertaining, and in most capitals ambassadorial receptions set the social tone, just as they had done for upwards of a hundred years. Such being the case the diplomatic corps was not yet the diplomatic corpse which it has, alas, become in a great many capitals. Nevertheless behind this still-imposing exterior the rot was rapidly spreading. Not only were ambassadors at the end of a telephone, but if any serious problem arose there was an increasing tendency for the Foreign Ministers to get together in a conference. The aeroplane completed what the telegraph and the train had begun. For reasons already mentioned the public had come to expect a great deal of publicity in the conduct of international affairs, and the politician saw to it that this desire was gratified. The professional diplomat, on the contrary, had been trained to avoid the limelight, and in an age of press conferences he was out of place.

Another development which weakened the position of the ambassador was that there soon began to be too many of him. It is often forgotten that originally only the more important states were represented by ambassadors, who had the right to transact business direct with the king of the country to which they were accredited, while the smaller Powers had ministers who only saw the king's subordinates. Thus before the First World War the countries which had ambassadors were ten, that is to say Great Britain, France, Germany, Austria-Hungary, Spain, Italy, Russia, the United States, Turkey, and Japan, and all other countries were represented by ministers. After 1918 Belgium, Brazil, and Portugal were added to the ambassadorial list, which thereafter proceeded to grow until to-day anbassadors are two a penny, with a consequent lowering of their prestige.

That was the heyday of the League of Nations, and that institution, too, tended to lower the standing of the professional diplomat. It is true that he was well represented

at Geneva whenever there was a meeting of the Council or the Assembly, but he was overshadowed by the Foreign Ministers who generally made a point of attending. Furthermore, a great many matters were discussed at Geneva which in an earlier age would have been settled through the usual diplomatic channels, and this naturally affected the position of the professional adversely. So, as the Second World War approached, he rapidly sank in the public eye in importance until he seemed to be little more than a messenger-boy. The last attempt to save the peace was made by Neville Chamberlain in person when he went to see Hitler in Germany, and now that the secret documents of the time are in course of publication it is plain that the British ambassador in Berlin had no influence whatever upon the progress of events. It was a sorry end to a great tradition. Yet if in that summer of 1939 the diplomats of an earlier generation were conscious of what was happening in the world they had left, they must at any rate have had cause for satisfaction in that nobody could blame their profession for precipitating another war. The professional diplomat had neither part nor lot in this second catastrophe. On the other hand it might have been supposed that the art of diplomacy could not sink any lower. Such a view represented the triumph of hope over experience, for having abandoned 'secret' diplomacy in favour of 'open' diplomacy, the world was about to carry the matter one stage further, and to indulge in an orgy of what can only be described as 'street-corner' diplomacy.

Since the Second World War the professional diplomat has tended to be completely eclipsed by the politician in practically every country in the world. Foreign Ministers are continually on the move, and only routine affairs are now discussed through the usual diplomatic channels. In these circumstances sight is only too often lost of the fact that the qualifications of a Foreign Minister and of an ambassador are very different. The Foreign Minister has, as it were, to co-ordinate the action of his diplomatic agents in various parts of the world; to compare the reports he receives from them; and to weigh one against the other in order to maintain the consistency of the foreign policy of his country. Above all, he lives at home and is not in close touch with foreign nations. The ambassador's

position is very different. He has the specialised knowledge of the man on the spot. It is his duty to inform, enlighten, and warn his government; occasionally he may even have to exercise a restraining influence on it, while carrying out its instructions. Needless to say, outspokenness of this kind must naturally stop short of insubordination, but the Foreign Minister who takes offence at it can only be likened to a man who cuts off his nose to spite his face, while an ambassador who confines himself to playing the part of a postman is a positive danger to the government that employs him.

As we have seen, the diplomat is trained to be extremely cautious both in speech and action, and if he scores a triumph over an opponent he is careful not to rub it in. Now the whole upbringing of the democratic politician, the class which provides the Foreign Ministers of to-day, is the very reverse of this. He is continually on the stage, and his success depends upon calling repeated attention to himself. Should he win a point, he proclaims the fact to the four winds of heaven, and generally abuses his vanquished adversary into the bargain. Such being the case it is in no way surprising that he should employ the same methods in the conduct of international relations, and the present 'street-corner' diplomacy is the result—but it does not make for better feeling between the nations of the world.

At this point it may be as well to correct the impression which is prevalent in some circles that what is wrong is the fact that for the most part those who are conducting international relations to-day are not of the same social standing as those who did so in the past. It is training, not class, that makes a good diplomat, and, generally speaking, aristocrats do not come in this category. As a French writer of the seventeenth century well said, 'They can pay compliments as to the manner born, but they will neither take the trouble nor have the inclination to learn to transact business.' Furthermore, contrary to what is generally believed, high birth was no prerequisite for office in the days of the *ancien régime*, and of the great diplomats of the reign of Henry IV of France one was the son of a tanner and the other was a foundling. Contrary, too, to what is often supposed, the weakness of the politician who appears on the international stage is not his origin but his

lack of training, and this applies with special force to the British and American specimen: the great majority of them never come into contact with foreigners until too late in their lives, or in circumstances too unpromising, for such contact to affect their outlook. Moreover, they are inclined to regard themselves as propagandists, and it is extremely difficult to combine propaganda with diplomacy. In these circumstances it is difficult to resist the conclusion that the present age in very truth represents the twilight of the professional diplomat. Where he is not actually superseded by the physical presence of a politician from home, he is continually receiving a stream of instructions from his Foreign Minister, and very little latitude is ever accorded him.

To some extent it may well be that this state of affairs is the natural consequence of continual discussions in which Russia and her satellites behind the Iron Curtain are involved. No give-and-take is possible, as was the case in the past, and so the Western Powers, too, tend to restrict their representatives to an increasing extent, quite apart from the influence exercised by the politicians to which allusion has already been made. *Mutatis mutandis*, a variation of Gresham's Law seems to apply to the conduct of international relations, that is to say the bad diplomats drive out the good, and politicians are usually bad diplomats.

One of the essentials of the old diplomacy was that those who engaged in it should be on good terms with one another; otherwise they would not produce the best results, and of the many features which were peculiar to life in the diplomatic service there is probably none which is more surprising to the ignorant than the friendly and often cordial relations existing between the diplomats of foreign countries. Only those who have lived abroad for a number of years can appreciate the reasons for this. Yet the fact of it made for peace. As M. Jules Cambon, for so long French ambassador to Germany, has written, 'I myself have had reason on more than one occasion to appreciate the enormous advantage of being on really good terms with some of my colleagues. It was the means of procuring me useful advice, judicious warnings, and important information which I myself could never have obtained, and which I was able to turn to very good

account on behalf of those whose interests I was serving.' Anyone who has had any experience of diplomatic life will agree with this judgment.

This happy state of affairs was not achieved without a good deal of effort, for in an earlier day relations between the representatives of the various Powers were nearly as strained as they are to-day between those who come from different sides of the Iron Curtain. In those times an ambassador was given a solemn reception upon taking up his post, and he made what was called his 'entry'. The other ambassadors went to meet him in their coaches, and escorted him to his house. This display of ostentatious politeness very often gave rise to trouble, as the ambassadors concerned were keenly on the look-out to demand precedence over one another. In the reign of Charles II there was on one of these occasions a free fight between the servants of the French and Spanish ambassadors, in which the bystanders joined, with the result that several people were killed. Thus one of the most satisfactory and practical decisions of the Congress of Vienna was to put an end to these brawls by drawing up a table of precedence, so that ambassadors now rank according to the date of their appointment.

As has been shown, down to the outbreak of the First World War, at any rate in civilised countries, the status of the diplomat was universally respected. Even when a war did break out and ambassadors were withdrawn, the traditional courtesies were observed. For example, when hostilities between Great Britain and Germany commenced in 1914 the Berlin mob smashed the windows of the British embassy, but as soon as the German Emperor heard of the incident he at once sent an officer to the British ambassador with his apologies. Earlier still, when Louis XIV was about to make war on the Dutch he gave orders that their representative was to be received with military honours in every French town through which he passed on his way home, and that the governors of the frontier fortresses were to wait upon him. Of course if one had the misfortune to be an ambassador further east in similar circumstances, things were not always so easy. The Ottoman Sultan, for instance, used to send foreign ambassadors to the Seven Towers, which was more or less of a prison, and a place where the bastinado was by no means

unknown. The Chinese, too, had some unpleasant habits of a similar nature. A Dey of Algiers went even further, and had an unfortunate French consul blown from the muzzle of a gun.

There are ominous signs that this attitude of easy tolerance is breaking down, and in many countries it can no longer be adopted, for the representatives of Russia and her satellites hold themselves rigidly aloof from all social intercourse with the ambassadors of the Western Powers. As if this were not enough, behind the Iron Curtain a diplomat is regarded as a potential spy; every effort is made to prevent him from mixing in local society and his movements are very closely circumscribed. In these circumstances any diplomacy worth the name becomes impossible. Whether such is also the intention of the totalitarian states is another matter.

Diplomats have naturally always had to be careful to mind their step, as the saying goes, if they were to preserve their prestige and their privileges. One thing they have to avoid like the plague, and that is interference—or even the appearance of interference—in the internal affairs of the country to which they are accredited. In this respect their virtue, like that of Cæsar's wife, must be above suspicion, as more than one representative of Russia and her satellites has found to his cost. Otherwise they may find themselves recalled, as was the fate of Lord Sackville, the ill-fated British Minister to the United States. He was imprudent enough on the eve of a Presidential election to comply with the request of a correspondent for his opinion as to the merits of the various candidates for the Presidency. Although his letter was strictly confidential it found its way into the press, as is not unknown in the United States even to-day, and the American Government was so indignant at the Minister's indiscretion that it at once applied to London for his recall. Such incidents have, fortunately, been very rare in the British Foreign Service.

What is inclined to be forgotten by the modern politician is that in the last resort diplomacy rests upon force, though the clever diplomat, as we shall see, can do a great deal before that last resort is reached. When Charles I was taken by the Army out of the hands of the Parliament at Holmby he asked Cornet Joyce, the officer in command of the troops that arrested him, by what authority he was

acting and where was his commission. Joyce pointed through the window to the troopers who were drawn up before the house. 'It is as fair a commission,' observed the King, 'and as well written as I have seen a commission written in my life.' What was true in the seventeenth century is equally true in the twentieth, and the fact cannot be ignored that when Great Britain lost the use of the Indian Army her diplomacy in Asia was deprived of much of its effectiveness. When, for example, the Boxer Rising took place in China in 1900 and the Great Powers decided to send an international force to protect their interests, the British contingent contained a large proportion of Indian troops. Four years ago another international force was required for Korea, but there were no Indian troops for Great Britain to send, so she was compelled to deplete her scanty resources elsewhere. This diminution of material power has naturally weakened the force of British diplomacy, at any rate where Asia is concerned.

In this connection, however, it has to be remembered that there are many instances where the decline of a nation has been, if not actually arrested, at any rate concealed from the world for a long time by the skill of its diplomacy. Spain in the seventeenth century is a notable example. She was rapidly decaying from every point of view—military, naval, and economic, but the ability of her diplomats disguised the fact, and foreign statesmen were deluded into a belief that she was still what she had been in the days of her greatness. More recently there has been the case of the Ottoman Empire, for whatever view may be taken of the personality of Abdul Hamid II it cannot be denied that for more than a generation he held his disintegrating dominions together by playing upon the jealousies of the Great Powers: within ten years of his deposition the Ottoman Empire had ceased to exist.

Although, therefore, it is true that in the last resort diplomacy must depend upon force, the skilful diplomat can, at any rate for a time, disguise the weakness of his country, so it was surely a confession of failure when, a few years ago, one of the foremost British diplomats gave it as his opinion that the multiplication of armaments and industrial potential is reaching a point when before long even a nation of sixty or eighty million people will no longer be able to produce a balanced force and function as an

independent unit. Indeed, it is at least arguable that the larger a state becomes the less it contributes to the common stock of civilisation. Tuscany alone has contributed far more than United Italy, and it is difficult to resist the conclusion that ever since the days of ancient Greece the greatest contributions have—relatively—been made by the small nations. Whatever may be the case to-day, the effectiveness of a country's diplomacy did not always depend on its size, for that is a relatively new conception, due largely to that most ghastly of modern horrors, namely total war. Portugual is neither large nor powerful as states go, but for many years she exercised an influence in London out of all proportion to her resources because she was represented there by a man of outstanding ability, the Marquis de Soveral. More recently the same was true of Greece, for Monsieur Simopoulos, her ambassador during the years immediately preceding the Second World War, was a universal favourite: this fact proved to be of the greatest value to Greece when trouble came. However this may be, the professional is more likely than the amateur to make the best use of a situation where diplomacy has to disguise the absence of armed might.

What may well astonish future generations is that in an age of increasing specialisation in all walks of life the reverse process should be taking place in diplomacy, and that the amateur, that is to say the politician, should be in the ascendant. The reasons have been discussed above, but the development itself does not seem to be making any marked contribution to the happiness of mankind. Of course to no small extent the blame must rest with the public. The spotlight of publicity is at once turned on any international gathering, and only too often the press tends to report it as if it were a sporting event. Louis XIV summed up the weakness of the international conference when he wrote, ' Open negotiations incline negotiators to consider their own prestige and to maintain the dignity, the interests, and the arguments of their sovereigns with undue obstinacy, and prevent them from giving way to the frequently superior arguments of the occasion.' In effect, it is far easier to make concessions in private discussion than when a number of observers are present round the table. To-day, whenever a conference takes place the man-in-the-street is encouraged to expect something

sensational, and politicians and the press do their best not to disappoint him. The consequence is only too often a series of undignified brawls, which leave a situation a good deal worse than it was. The world, indeed, has paid, and is paying, rather dearly for the improvements in the means of communication.

Finally, it may be asked, what are the chances of the wheel revolving its full cycle, and of the professional diplomat once more coming into his own in the conduct of international relations? Prophecy in such matters is always dangerous, but it has been said that the Fourth World War will be fought with flint axes, so perhaps the peace which terminates it will be left to the professional diplomat.

CHARLES PETRIE.

Art. 3.—INDIA, NORTH AND SOUTH.

NEVER, since the dawn of history till the British régime, has imperial rule in India comprised the whole of the sub-continent from the Karakorams in north Kashmir to Cape Comorin in the south. The nearest approach to unity was achieved in the third century B.C. under the Buddhist emperior Asoka, whose dominions extended as far as Mysore; they did not include Assam. South of the Vindhyas, which divide peninsular India from the Gangetic plains in the north, the link with the seat of empire was a form of suzerainty rather than control. Asoka's empire did not long survive him and for the next six or seven centuries South and North were split up into a series of kingdoms constantly at war with each other. This period saw the renaissance of militant Brahminism, which finally eliminated Buddhism from the sub-continent. The Gupta era, looked on as the golden age of Hinduism, was signalised by the emergence of an empire that lasted for over two centuries, from the fourth to the sixth A.D.; it, however, only included the northern regions of India, the South was outside its orbit; as it faded out the earlier political conditions reappeared.

In the eleventh century the storm of Muslim invasion burst on the North-West Frontier. The enervating effects of the caste system and the lack of political cohesion among the existing states weakened Hindu resistance; exultant Islam swept from the Punjab to the extreme south. The new rulers, like their predecessors, never succeeded in bringing the entire country under a single administration; thus in the fourteenth century the South fell away from the North; Muslim rulers in the Deccan set up separate kingdoms in the country between the Krishna river and the Vindhyas; south of the Krishna the Hindus built up the powerful Kingdom of Vijianagar, which held its own against Islam for over two centuries. Then darkness fell over the Hindu scene. The Muslim kingdoms north of the river combined, and in the great battle of Telukottah in 1565 smashed to pieces the Hindu forces and completely destroyed the brilliant capital of the state, for long the pride of the Hindus of the South.

Unstable conditions prevailed for the next two centuries in the extreme south till the British appeared on the scene.

Meanwhile, the country was divided up between feudal chiefs, Muslim and Hindu, acknowledging in most cases the suzerainty of the Muslim kings of the Deccan.

This glimpse of two thousand years of Indian history throws into relief the inherent weakness of Hindu polity, and its failure to weld the Indian peoples into a coherent whole or nation. A united India, despite difficulties of geography, might have held off the Muslim onslaught.

Empire in India as known to history has always had its seat in the North, in regions where the Indo-Aryan has been the dominant element in the population : south of the Gangetic plain the ethnic texture varies ; the masses are mainly Dravidian, differing in language, physical characteristics and, to some extent, in culture from the Indo-Aryan and kindred folk such as the Aryo-Dravidians of Uttar Pradesh (the former United Provinces) and the Rajputs and Jats of the Punjab and Rajastan.

It is generally recognised that the Dravidians were in possession of India centuries before the Aryan irruption into the north. The leading groups of the former to-day are the Tamils, the Telegus or Andhras, the Kanarese, and, in the extreme south, between the western Ghauts and the sea, the Malayalis. The Marathas, who occupy parts of the former Central Provinces (now Madhya Pradesh) of Bombay and Hyderabad, are, according to ethnographical theory, the product of an assimilation of Dravidians with Scythian nomads who, in remote ages, penetrated into South India through Kutch and the Kathiawad peninsula. A similar origin is ascribed to the Gujaratis of north Bombay, Baroda, and Kathiawad.

The Indo-Aryans never attempted to hold the South by military force. That Hinduism established a strong hold over southern peoples was mainly due to Brahmin infiltration. The quality of the Brahmin mind and the awe that Hindu mysticism inspired in primitive folk enabled the Brahmin hierarachy to hold its own through the centuries in the Dravidian South, even where Muslims were in the ascendant. That there was little or no Muslim proselytising was a point in favour of Hindu priestcraft.

Their superior intelligence stood the Brahmins in good stead when British rule was established in the peninsula. They monopolised the professions : the Bar, medicine, engineering, journalism, and the teaching profession ;

they absorbed most of the appointments available to Indians in government service from the lower to the highest grades, including the High Courts. As time went on opposition to Brahmin predominance developed; the Brahmin had no monopoly of brain-power; caste Hindu reactions took shape in a strong non-Brahmin movement. By the time of the reforms of 1919–21 it had gained such momentum that the British government felt it expedient to accede to the non-Brahmin demand that non-Brahmins be given separate electorates. The result was to place them in a strong position in the new legislatures; they were able to form ministries and to administer the so-called transferred subjects, very much to Brahmin discomfiture.

It was about this time that the claim was put forward by Dravidian leaders that the southern provinces included in the Bombay and Madras presidencies be reconstituted on a linguistic and homogeneous basis. This would have meant the substitution of Madras and Bombay by several new states, beginning from the north with Gujerat and further on with Maharashtra (Maratha country including parts of the Central Province and Bombay), Karnataka (comprising parts of Bombay and Madras), Andhra (Telegu country in Madras), and, further south, Tamilnad and Malabar (Malayali). The project had the support of the Indian Congress, and though it was generally recognised that the provincial system in the South was far from ideal from an administrative point of view, in the tense political atmosphere then prevailing the British Indian government was disinclined to take up a major problem of the kind.

In the proceedings that culminated in the India Act of 1935 the non-Brahmins lost to the Indian Congress the special privilege they had enjoyed under the system of separate electorates. The growth of a nationalist feeling throughout India had weakened the non-Brahmin appeal. The Marathas, on the other hand, apprehensive of being dominated by the Gujarati intelligentsia, insisted on retaining the advantage. The Brahmins recovered their former pre-eminence.

Soon after the partition of India in 1947 the question of the redistribution of the southern province forced itself on the attention of the Congress; there was a good deal of support for the principle involved; it was, however, frowned on by Pundit Nehru and his colleagues, who saw in

it a threat to national unity. Meanwhile, the agitation grew in intensity, in particular among the Andhra Telegus, who had long been anxious to break away from their association with the Tamils of Madras. To conciliate public opinion the Indian Government thought it desirable to have an enquiry made into the subject, and in the next two years two commissions submitted reports, without, however, making any definite recommendations. The general impression was that a decision should be relegated to the distant future. Closely linked with the problem is the future of the great former princely state of Hyderabad, whose population is made up of large *blocs* of the three great peoples of the South, the Marathas, the Telegus, and the Kanarese. There is a widespread demand in the South that the state be broken up and its component parts absorbed in the adjacent provinces. The Nizam, it may be noted, is more or less reconciled to being a mere figure-head in state polity.

There was little encouragement in Delhi for the Dravidian demands affecting Hyderabad. Pundit Nehru thought that at least for the time being the existence of Hyderabad under a Congress government was politically desirable ; to eliminate it would upset the political balance of South India ; the time was inopportune for such action. The growing unrest in Andhra country, however, induced a change of opinion in Delhi ; to placate the South and presumably to promote delay a commission known as the Dhar Commission was set up to report on the implications of meeting the Andhra demand. It submitted an ambiguous report : it was doubtful whether an Andhra state would be economically viable ; there was the problem of Madras city—the Tamils would never agree to the Andhras having it, whereas the Andhras regarded it as their birthright ; the only possible solution of this particular problem was to set up Madras city as a Chief Commissioner's province. Pundit Nehru now expressed himself as ready to consider a separate province for the Andhras, less Madras city.

However, a settlement seemed as remote as ever. The Dhar Commission did not include an Andhra representative ; this suggested to some Southern observers that the Andhras were up against 'the age-old contempt of the Aryan for the native Dravidism.' Then, suddenly, a new

hope dawned. Mr Sraramilu moved into the political arena and gave out that he would adopt the Gandhian technique of a fast to death unless the Indian Government yielded. Delhi was still unimpressed; the challenge to imperial power went on; it ended in the death of the challenger on the fiftieth day of the fast. An explosion of wrath swept from end to end of Andhra; railway stations were looted, trains held up, telegraphs and telephones put out of action, the police had on several occasions to fire on riotous mobs, involving many casualties. These occurrences broke down the nonchalance of Delhi. Pundit Nehru affirmed in the House of the People his previous offer, and announced the appointment of a High Court Judge who would fix the boundaries of the new state.

On Oct. 1, 1953, the Andhra state became a *fait accompli*. It has an area of 67,000 square miles and a population of 21 millions. A legislature was established by the transfer to the new unit of the 146 Telegu members of the Madras Assembly. Of these, 41 were Communist as against 26 Congress members; the Ranga party had 15 members; there were 17 independents. The Communists endeavoured to form a government; the effort was defeated by a coalition. There was a strong body of opinion in favour of abolishing prohibition; the Communists brought down the government over the question in December of last year. Thereupon the President of the Union took over the administration, pending a new election.

The success of the Andhra movement not unnaturally encouraged fresh demands for the redistribution of other southern provinces with the disintegration of Hyderabad as a corollary. The embarrassment caused to the Indian Government by the movement was increased by the development of similar demands from the north. West Bengal, reduced by partition to a shadow of its former self, claimed 11,000 square miles of territory adjacent to its western border, occupied by Bengali-speaking people in the State of Bihar. An influential group of Sikhs pressed for the formation of a Punjabi-speaking state including the East Punjab and the State of Pepsu (Patiala and the Punjab States Union). The Vice-Chancellor of the Gujarat University ventilated the Gujarati claim to have a separate province or state which would include the Gujarati

province of Bombay, the ex-princely State of Baroda, and the Kathiawad peninsula. The All-India Linguistic States Committee took up the cry with a demand for the immediate setting up of a commission to determine the limits and other particulars of the future states of Maharashtra, Gujarat, Tamilnad, and Karnataka; on the western side of the Ghauts the former princely states of Travancore and Cochin should be merged with the Madras district of Malabar (Malayali) to revive the ancient kingdom of Kerala. Agitation took on a serious form in Travancore, where in July 1953 five people were killed and fifteen injured as a result of the police opening fire on a crowd consisting of members of a society known as the Dravidian Progressive Federation who were attempting to hold up train traffic in the area by sitting on the railway track and setting fire to railway bridges. There were similar demonstrations in Madras and Bombay. The federation is inspired by a dislike of the Brahmins; it is strongly opposed to the introduction of Hindi (a northern language) as the national language of India; its communist ring advocates a breakaway from the North.

The Government of India not unnaturally regarded a further movement for the redistribution of the southern provinces with disfavour. The strongest argument against it was that it would, for a variety of reasons, militate against the success of the five-year plan of economic development on which so much depended. There was the danger that the formation of great provinces on racial lines might emphasise the difference between North and South and so lead to the development of centrifugal tendencies. Another point was that to give way to the South might mean that it would be difficult to refuse the claims of the North. A measure of conciliation was, however, imperative; this took the form of a public declaration by Pundit Nehru in April 1953, that the Government of India had no objection in principle to the reconstitution of the southern provinces and would, after experience of the working of the new State of Andhra, set up a States Reorganisation Commission which would report to Government on the whole question both as it affected the North and the South. The Commission was appointed early last year. The enquiry at the time of writing had not been concluded.

The political climate in the North had for months been

growing less auspicious for the Congress party. Its grip had been weakening; the old guard was losing popularity: its policy and achievement had been criticised in many quarters, and reform had had little success. Middle-class unemployment was increasing; there was frustration and bitterness everywhere. Troubles in Travancore-Cochin, described as the problem child of the Congress, had grown more insistent. It was only in that state that after the general election a non-Congress government had come into power. The Communists in the state had for a long time been manœuvring for position; the election of last year had produced no positive results. Congress was the strongest party, with 43 out of 117 seats, the Communists came next with 21, the Praja Socialists had 19, the Travancore Tamilnad Congress had 12. Ultimately a Praja Socialist ministry was formed with Congress Party support. Later on, in February this year, the Congress Party endeavoured to bring down the ministry by withdrawing its co-operation. The object of the movement was to form a Congress government through an alliance with the Tamilnad Congress. This could only be brought about if eight of the Tamilnad members, who were in jail awaiting trial, were released on bail and allowed to vote in the assembly. (They were detained in connection with the Tamil 'deliverance day' organised by the party in August of last year in protest at what was called Malayali oppression.) Demonstrations led to a clash with the police, who opened fire, and there was a number of casualties. The High Court refused bail; the Praja Socialists induced the Communists to join them, and by doing so let the Communists into power by the back door. In what happened there is a grim reminder of the influence of communalism and caste in the political field in overriding party loyalty. The new ministry will remain socialist, but it will have to depend on the Communist vote, for which it will have to pay. The first instalment has in fact been paid already: it was the release of twenty-five Communists imprisoned for their participation in the insurrection of 1946.

Communism early in the year had in point of fact become one of the major troubles in the South for the government at Delhi. As noted already, the Communists brought down the Congress in Andhra; they were relying

confidently on winning the pending election. Public opinion in Madras regarded the prospect with alarm; success would win for the party increasing support in the South and enable it to take advantage of the unrest arising from the dispute over the redistribution of the provinces with the Government of India. One may note here that that experienced statesman, Sir John Kotelawala, Prime Minister of Ceylon, surveying politics in South India, declared the other day that Ceylon would stay in the Commonwealth if for no other reason than that it might need Commonwealth protection against a Communist régime in South India, an inevitable result of which would be an attempt to annex Ceylon. Only Pundit Nehru could, in Sir John Kotelewala's opinion, keep South India from going Communist and breaking away from the North. Should anything happen to deprive India of her Prime Minister, it might mean disaster for a Ceylon living in isolation. A comment that obtrudes itself here is that Pundit Nehru is strongly opposed to Communism in India while tolerating it elsewhere as just another form of government. He is constantly fulminating at casteism and communalism as a threat to national unity. A recent development that has attracted notice in the press is the growing tension between the Tamils and the Andhras, an example of which is a strong objection on the part of the Andhras to the retention in that country of Tamils serving in the various departments of the administration.

Another disruptive influence in the relations between North and South is the insistence of the Indian Government that the national language is to be Hindi, an essentially northern language. Reference has already been made to demonstrations against this measure in various parts of the South leading in some cases to loss of life following clashes with the police. On many occasions demonstrators have defaced notices in Hindi on signposts at railway stations and elsewhere. An argument of those who support Hindi is that the southern language, especially Tamil and Telegu, underwent, at the time of the cultural ascendancy of Brahminism, an infiltration of Sanskrit which, through the Prakit, is a predominant element of Hindi, and so helps southerners to understand it. This point of view, however, does not seem to have had much appeal in the South. Mr Gandhi endeavoured to

smooth out opposition to Delhi policy in the matter by suggesting the adoption of Hindustani, a blend of Urdu and Hindi, with a strong admixture of Persian, as an all-Indian language. His proposal was ruled out after his death.

There was some divergence between Hindu cultural and social development in the North and South during the period of the dominance of Islam from the eleventh to the eighteenth century. The impact of Islamic culture on Hinduism in the North led to a kind of synthesis, an imperfect blend of Hinduism and Islam. Persian was the language of the Court at Delhi and the headquarters of government in the provinces. The influence of Persian culture through the language was predominant in Delhi; the study of Persian was popular among high-caste Hindus, and in this way Persian culture had some influence on the Hindu mind. From time to time in the North there were revivalist movements of Hinduism, which generally took the form of religious emotionalism, as for example in the adoption of the Bhakti cult.

In the South the Brahminical hierarchy held the Hindu way of life to its traditional form; what was happening in the North in the cultural sphere had no repercussions in the South. Caste in the South maintained a rigidity of structure that was not seen in the North. Untouchability was a prominent element in social life; in the extreme south distance pollution by the outcast of the Brahmins was one of its unpleasant features. In the North the outcast was not so much in evidence. The music and dances of the South differ from those of the North; southerners greatly prefer their own. All-India Radio is now making efforts to popularise southern music.

Another link between North and South not often stressed by the Hindu intelligentsia may be referred to here, the link that, unlike the cultural link of Hinduism, has grown stronger with the years, the influence of university education on western models, facilitated by the use of English as the medium of instruction.

But whatever arguments one may put forward to emphasise the cleavage between North and South, there is a fundamental unity that to some extent over-rides a prolific diversity, religious, ethical, linguistic, and in the everyday habits of life. India's survival depends on

whether that unity can be preserved, threatened as it is by the Communist movement and by the present discontent among southern peoples, especially over the language problem and economic difficulties.

The Congress Party has at last realised how essential it is to recover undisputed control over southern India. It was felt that at all costs the Communist campaign to capture the Andhran government must be defeated. To begin with, an effort had to be made to convince the Madras intelligentsia that Congress had an economic policy that promised the hoped-for results. To this end Pundit Nehru announced at the annual session of Congress at Avadi in Madras in January that that policy would be based on a socialistic pattern. Land reform would be stimulated. This has had a wide appeal, as did also the determination of Congress leaders to improve the morals of the party and put new life into it. Nehru followed up the proceedings with a whirlwind election campaign in Andhra in which he put forward Congress policy for social and economic uplift as a challenge to the Communist promise of a new heaven and a new earth. He was handicapped by the fact that his Hindi and English speeches had to be translated into Telegu, but despite all this, aided by an immense effort of Congress propaganda, he made such an impression that in the face of all the portents to the contrary Congress won an outstanding victory in the March election. The Communist party suffered an almost complete collapse, winning only 15 seats against 146 of the United Congress. Congress polled 4·6 million votes ; the Communists 2·6 millions. The latter, however, did not get anything approaching the number of seats that their poll would indicate : thus Independents, with only 1·1 million votes, won 22 seats ; which gave their poll more than twice its value in seats as compared with the Communists.

The Communist Party may well ascribe its defeat mainly to the tactics of Moscow. Thus while the Communists in Andhra were proclaiming the aridity of Nehru's efforts, the Kremlin official newspaper 'Pravda' was eulogising in glowing terms what the Indian Prime Minister had achieved. The obvious conclusion was that the Communist Party in India must support Pundit Nehru's foreign policy of neutralism because it had the approval of Moscow. This kind of thing had happened before. For

example, during the war the party was compelled to forsake the independence movement; in 1947 it was rebuffed for supporting Pundit Nehru; again in 1948 it was called upon to lead what Moscow must have known was a hopeless insurrection in Telengana in the Hyderabad State in which nearly 3,000 people lost their lives. The Moscow attitude involves a difficult reorientation of Communist policy in India involving some loss of popular support.

The victory in Andhra has done much to restore Congress prestige in the South. Unity has been preserved at least for the time being. It is true that the disappointment in Travancore-Cochin, already noted, is a setback to the assault on Communism, but a fresh series of manœuvring might bring back a pro-Congress ministry there. The improvement in the Congress Party outlook persists and there may be a calmer atmosphere for the consideration of the report of the States Reorganisation Commission on the redistribution of the provinces when this is brought out.

But when all is said it must be admitted that Congress by its success in Andhra has done little more than gain a breathing-space in its struggle with disruptive tendencies in the South. To prevent the linguistic states movement from developing into a menace to national unity will be a test of Delhi statesmanship. It is true that jealousies and rivalries among Tamil and Telegu leaders might make it difficult for them to combine against the Aryan North; the Gujaratis are not likely to break away from Delhi, the Marathas might hesitate; an obstacle to secession would be to continue the existence in the central Deccan of the Hyderabad State under a Congress government in close association with the Centre. To achieve positive results Congress must make determined efforts to bring about land and social reforms and economic development generally and thereby end bitter and degrading class and caste hatreds and the frustration felt by the hard pressed and largely unemployed intelligentsia. If this is achieved the danger of any subversive tendencies as a result of a redistribution of the provinces would be, to a great extent, obviated, and Congress might find, among moderate elements in the South, strong support against the greater danger of a recrudescence of militant communism.

WILLIAM BARTON.

Art. 4.—THE BRITISH RAILWAYS AND THEIR FUTURE.

NOT long ago a Liverpool express was hauled out of Leeds by two engines. It happened that a famous railway photographer was haunting the yard that morning looking for pictures. He saw at once that these two engines would make a fine picture because both of them were erupting bushy, spreading fountains of pitch-black smoke. The tall clouds were the very essence of dirt, unrelieved by even the faintest trace of white steam. They were prodigally wasting their coal, threatening every pair of lungs within a mile, and aptly underlining the Chairman of the Transport Commission's admission that his steam engines were 'responsible for a share of that unpleasant phenomenon known as Smog.' But of course it was precisely this heavy load of sin which made them so fine a picture. The photographer snapped them as they passed and sent his picture to the 'Railway Magazine'. The editor, perhaps a little sardonically, chose it for the cover picture of the number which immediately succeeded the announcement that steam engines in this country had been finally sentenced to death as part of the new Railway Plan. A page or two further on he published a picture of the Royal Wessex being hauled by one of the diesels—all clean and gleaming, no smoke anywhere, but as a picture, oh, so dull. Which things are a parable, and no doubt that is what the 'Railway Magazine' intended them to be.

Attributing motives to other people is risky, but I find it hard to believe that the editor did not intend to administer a delicate caution to the railway romantics for their almost wilfully blind worship of the steam engine, in which they will admit no sin though it stares them in the face. At the same time, perhaps, he was administering another to the futurists, among whom was numbered practically every leader-writer of the papers which discussed the Plan. For with one accord they delivered themselves of songs and dances about the end of steam and the glorious electrical future, painting their prose in Technicolor and talking a deal of ignorant nonsense about freight trains running under electric traction at a hundred miles an hour, and showed no realisation whatever of the real strength which the railways have always drawn from the

deep admiration of all and sundry for the steam engine. This power of steam-hauled railways to create and attract to themselves the power of romantic devotion that is in so many men has been exceedingly important to them. It has surrounded them with goodwill, and goodwill is something which actuaries can and do calculate in terms of money. Mr R. C. Bond, the present Chief Mechanical Engineer of British Railways, put this most neatly in a speech at the dinner of the Railway Correspondence and Travel Society, of which most knowledgeable railway amateurs are members, when he said that they constitute 'probably the best amateur public relations officers that any undertaking possesses.' Sir Brian Robertson also showed himself very alive to the importance of this asset of railway romanticism when he said at a news conference that the impending loss of steam engines was a sad business. 'Somehow both the diesel and the electric locomotive lack the glamour which surrounds the mighty steam engine pounding through the night with the light of its fire glowing in the faces of the crew.' Then he went on, 'There is something here of real importance and we are honestly seeking a means to avoid losing all the romance which had attached to this great iron horse'. That will be difficult but not impossible, and in the course of this paper I mean to make suggestions about it. But somehow it must be done. If great industrial undertakings have souls at all, as railways and steamships undoubtedly have, then it cannot be good to throw them away.

Now no railway lover doubts that a railway has a soul: it must have because every railway has a definite and identifiable character of its own. But the trouble is that a high proportion of the romantics located that soul firmly in the steam engine and there alone. Thus on the morrow of the announcement of the new Plan the air was full of their extravagant wailing. One man said he had not slept all night. Another burst into a tirade of abuse of the British Transport Commission. A third composed a stately but bitter elegy. A schoolboy of fifteen wrote in a private letter a brisk and extremely well-informed discourse on the respective merits of North Eastern and London Midland engines, and ended it by saying that he intended to be a train controller, and when he was one he would not so much as turn his head to look at a diesel or

electric engine. Poor lad, he will have to keep his head very still. The fact is that, for all their virtues and their use (and both are considerable), some railway romantics have a very bad habit of trying to live always in the past. For them, nothing whatever that exists now is a patch on what preceded it, nor ever was; and this is particularly true of the steam engine, the centre of their idolatry. So the rather unbalanced extravagance of their horror, even a sense of betrayal, which so many of them expressed was unalleviated by any vision of compensations or any sense of economic necessity. But professional railwaymen are no less conscious of the soul that lies at the heart of their mystery, nor less devoted to the steam engine which has done so much to make that soul. For them as fully as for the amateur the railway is an absorbing passion. It takes hold of the man who lives by it not less than the man who enjoys watching trains but accepts no responsibility for them. But professional railwaymen seem to have no doubts. They echo fully Sir Brian Robertson's sadness at the loss of the steam engine with its gleaming furnace. But there is none, or at least I have never found one, who is not quite certain that the new Plan is essential if British Railways are to have any future at all. After all, every living thing must change, and to accept change is a sign of vitality and to refuse it is a sign of archaic decay.

There are, however, large numbers of amateur railwaymen who would not disdain to be called romantic and who treat railways as a perfectly serious field of study of the organisation of industrial power. They find it an absorbing pursuit which never stales while life lasts, and they constitute an invaluable asset to the professional railway administrator. Many of them, perhaps most, are linked loosely together in an organisation with a cumbrous title, The Railway Correspondence and Travel Society, which publishes a monthly journal. In the last several issues its editor has been solemnly warning his readers that they will show themselves poor students of railways if they allow the doom of the steam engine to spoil their hobby. It is unlikely that these people will do so, for once a man recognises that a railway is an endlessly rewarding field of study, he will not make the mistake of supposing that the only feature of the railway scene which matters is the engine which pulls the train. The soul is in the whole system,

not only in one part of it ; in the whole complex of organisation, not only in the engine. Romance may no longer pull out the 9.15, but to the seeing eye she still travels up to town in it.

The new Plan proposes the gradual but complete abolition of the steam engine, but it does not suggest and need not produce an unvarying and soulless monotony. For some areas there is to be electrification and for others diesel haulage. The shape of things to come over the next five years seems already clear. Electrification is to be applied first of all from Shenfield to Ipswich, which means that some other area will get a fine fleet of ' Britannias '. After that comes the turn of the London, Tilbury, and Southend line ; and then all the Kentish lines of the Southern Railway, and the main line from Waterloo as far as Basingstoke. Then maybe will follow the suburban lines to Chingford and Hertford, which need it badly. These preliminary but considerable schemes clear the ground for the two colossal tasks of electrification, the whole of the main lines from Euston and King's Cross as far as Manchester, Liverpool, and York. These two lines are the busiest and most crowded in the world, and no doubt one reason why they have been chosen for electrification in preference to other main lines from London is the wealth of their tunnels. The Gasworks and the Copenhagen tunnels just outside King's Cross have always been a nightmare which dirty every train before it starts its run, and it is the steam engine which has made them so. The long series of tunnels between Euston and Willesden are not much better ; while the life of a steel rail in tunnels like Watford and Kilsby is far less than that of an identical rail outside, and again it is the steam engine which corrodes it. Further, it has to be remembered that a ganger's work in a tunnel which is always full of engine smoke is a peculiarly horrible job.

While all this is being prepared the big diesels will be ousting the steam engine from other lines. The Southern main lines westward from Basingstoke will come first, and quite probably the last steam engine will be withdrawn from Eastleigh, Bournemouth, and Exeter within three years. Then the diesels will take over all the Western Region lines west of Newton Abbot, and a good deal of the running east of it as well. The small diesels are already

fast monopolising the shunting yards. Within three years there will probably be no steam engines used for shunting. To these must be added the light runabout diesel railcars which already undertake most of the local running in the West Riding of Yorkshire, and have supplanted steam for nearly all branch lines in Cumberland and Westmorland. Soon they will monopolise the local trains between Edinburgh and Glasgow, and then the experiment is to be tried whether they can put some life into and bring some revenue from the branch lines in Lincolnshire. Wherever they have been tried they have been markedly successful and they have nearly doubled the receipts from passenger traffic. Plans are therefore already announced which will eliminate steam altogether from West Devon and all Cornwall, from Kent, from Essex, and from the Lake District except for the two main lines, and from quite large areas of the Midlands. On main lines from London therefore steam is likely to last longest on the old Midland, the Great Central, the Great Western as far as Newton Abbot, and also the whole of Scotland excepting for local traffic between Glasgow and Edinburgh. Their turn will come in the end, but the end is far away.

The most immediate change is likely to be the substitution of diesels for steam on the main lines westwards from Basingstoke. This should be completed in about three years, for already the various English firms which make diesel electric engines for foreign railways are preparing themselves to go into mass production for our own. Diesel engines will not be a novelty on the two main lines from Waterloo to Exeter and Weymouth, for, with one exception, all the passenger diesels which British Railways possess have been concentrated on these two routes for the last three years. The history of this experiment is interesting and worth relating, since the sum total of British experience of express passenger haulage by diesel electric engines is concentrated in what has happened with these five machines.

The first two of them were produced very shortly after the war for the old L.M.S. On paper each of them was more powerful than any steam engine on the line, but whereas one of the big steam ' Pacifics ' will haul the Royal Scot from Euston to Glasgow without turning a hair, they used the two diesels on the same train, and, to put it mildly,

they could not, or at any rate they did not, do the job half as well. Somewhat hurriedly they were taken off the Royal Scot, separated, tried on Blackpool trains, taken off them, and finally relegated to express freight haulage. As soon as they decently could the Euston authorities got rid of them, and handed them over to Waterloo, giving as a reason that a single diesel could not heat more than twelve coaches, and their long-distance trains generally had fourteen to sixteen coaches.

Meanwhile the Southern Region had invested in four diesels of its own. The first three had a tractive effort of 31,200 lb., as compared to 41,400 of the L.M.S. type. The fourth was slightly more powerful, but this, the only one of its type, is famed for its iniquities. Every locomotive depot fought shy of it, and, not wishing to have to deal with stranded trains more often than they could avoid, saw to it that it went out on the road as seldom as possible. Thus the Southern Region have had five diesels in regular express passenger service for perhaps three years, and this really makes the total experience of British Railways' practical experience of this kind of tractive power. It has been seldom that all five of them were running at once, and frequent that not more than two of them were on the road at one time. A recent article by a Special Correspondent in ' The Times ' lauded these machines, and, by way of contrast, said that the steam engine ' is often peevish in behaviour '. Up to the present it is the diesels which have been peevish and temperamental. They have been like the little girl in the nursery rhyme : when they are good they are very, very good, but when they are bad they are horrid. And there is no denying that so far they have been quite often bad. They have a nasty habit of stopping in the most awkward places and refusing to budge an inch further, and they have certainly spent an uneconomic proportion of their time lying in bits on the workshop floor. Even the stately and official language of the Plan itself admits that ' various teething troubles have been experienced '. It is perhaps worth noticing therefore that where steam has given place to electrification, as on so much of the Southern Region, and more recently on the Liverpool Street line to Shenfield and the Manchester and Sheffield line through the Woodhead Tunnel, there were from the first exceedingly few teething troubles.

When you electrify a line you take steam away altogether, and from the day of the changeover the drivers work their electric machines and no other. But diesel engines have been very few, and though all drivers of them were trained in their use, one pair of men probably only sees a diesel once in six weeks or so. For the rest of the time they drive the steam engines they have always driven. This means that no one has had the chance really to get accustomed to them, and that not many men in the depots have become skilled and practised in maintaining them. This in itself is probably enough to account for their temperamental peevishness. The moral seems to be that it is better not to turn over any stretch of line to diesels until you have enough of them, enough men trained to drive them, and enough maintenance for them, to take over the whole of the running on the whole of the line.

But it is almost certainly not correct to draw the deduction that diesels are not an efficient, reliable, and economic form of traction. They cost about 75,000*l.* as opposed to about 20,000*l.* for a steam engine of comparable power. Mass production will bring down that heavy cost considerably, but at best (this is admittedly guesswork) they will always cost twice as much as a steam engine to build. They should therefore be able to do twice as much work, and provided that they don't break down, they actually do so now. A twenty-four hour's job for a diesel is to do twice over the double journey between Exeter or Weymouth and Waterloo. No steam engine on earth could do that. It has to coal and clean fires far too often, and before it can do either it must be got from the terminus out to the locomotive depot a mile or more away. Thus an Exeter steam engine has to have at least between two and three hours turn-round time at Waterloo. But the diesel comes in from Weymouth at 2.20 p.m. It is run out to a siding in the station yard and filled up with oil, and is ready in less than an hour to take the next train out. Thus you can work a line with considerably fewer diesels than steam engines, so that the total capital sum spent on tractive power is not more than with steam, even though, unit for unit, the cost is twice as much. The maintenance and the fuel are definitely less expensive, and in actual use far less wasteful. Provided that these diesels can be made as reliable and steady in performance

as the steam engines—and the undeniable teething troubles of the past few years is not an argument which settles the issue against them—the case for their ousting of the steam engine seems quite overwhelming.

Naturally nobody exactly likes it. The prospect of seeing nothing anywhere but these animated cigar-boxes of diesels, making the most unpleasing noises, and exceedingly uncouth-looking electric locomotives, is not one that pleases anybody. Certainly it does not please the professional railwaymen by whose deliberate plan these things are to come to pass. But the cold logic of necessity is behind it, and we have no right to be romantic at the cost of perpetual dirt, hard back-breaking work unnecessarily done by other people, and a quite shocking wastage of waning coal resources. But railways cannot live without romance of some sort, and where and how is the romance going to be attached to their new look? We are to have freight trains braked throughout their whole length and new lines to run them on. But no glamour can possibly attach to the vacuum brake. We are to have new goods depots with modern methods of mechanical handling of freight. But the public will see nothing of them. We are to have colour light signalling, but the semaphore signal is much the more interesting to watch. In the past the glamour has been almost wholly concentrated on the power machine which actually pulls the trains, and in the future much of it will have to be attached to the same place. 'We must avoid losing all the romance which has attached to this great iron horse,' said Sir Brian Robertson. But with nothing but diesels and electric locomotives and no steam engines anywhere, it is not easy to see how this is going to be done. Romance must after all have a magnet. Can a diesel engine be that magnet?

That seems to depend on whether it is possible to have sameness without monotony. Even today, eight years after railway nationalisation, there are some sixty to seventy different classes and types of steam engines. Had the new Plan never been thought of these would have been reduced to twelve classes within five years from now. Nobody knows yet how many different types of diesels and electric engines the Transport Commission are contemplating. At present the five diesels in regular use are of two types and there are two types of electric locomotives

running between Sheffield and Manchester. To gain the most advantage from mass-production manufacture and ease of maintenance the numbers of different types of both machines must be as few as possible. It looks therefore as if all the detachable engines of both kinds will not amount to more than five or six different types, sizes, and shapes in all. Thus the railway scene of the future, considered as a spectacle of motive power, will have a far higher degree of sameness about it than it would have had if the earlier plans of standardisation of steam engines had come to full fruition. Add to this the fact that there is no reason why electrically driven passenger trains need have an engine at all. Both on the Southern Region and on the Shenfield run they are driven from what is in effect the front compartment of the train.

How, then, are Sir Brian Robertson and his colleagues going to give the new look that touch of romance which they know to be an intangible but very important asset to the life of any railway undertaking? I can see only one way of doing it, and that is by somehow differentiating between one diesel and another and one electric locomotive and another of the same class, size, and shape. All through the hundred and thirty years of British railway history this has been done by giving names to engines, and sometimes further differentiation has been attempted by painting different engines of the same type different colours. At present, all electric engines are absurdly known by a sort of engineer's shorthand of technical terms. Some of them are CO–CO's and the rest are BO–BO's, according to their arrangement of wheels. Diesels are just numbers and no more. Naming them all is the only practical way of taking the monotony out of the sameness, and a naming policy is really important. The first thing that railway engine names ought to do is to perpetuate railway history, and the long sides of both kinds of engine can be regarded as an excellent blackboard. A name like Stephenson or Royal Scot or Highland Railway, with perhaps a hundred words of explanation underneath it, keeps railway history alive and gives separate individuality to a row of engines which, without it, are nothing more than identical replicas of each other. Something might also be done by paint and colour. Hitherto British Railways have been enterprising in the livery they have given to

their coaches—their red and white is gay and attractive—but painfully dull over their engines. They know only two colours for them, black and far the least attractive shade of green which the colour pattern book offers. In fact, it is much more like khaki than anything else. Need all our new diesels and electric engines be as unrelievedly black as their present proto-types ? With the passing of the steam engine smoke will go and so gay and bright colours will have so much more chance of keeping their freshness.

If it were possible now, in 1955, to look ahead and see the British railway scene as it will be in 1965, what, apart from the disappearance of the steam engine, would be the dominant feature of the picture ? Surely it would be its cleanliness. A railway dominated by steam engines must of necessity have smoke, dirt, and soot rained copiously upon its track, its buildings, and the whole body of its equipment. For this reason everything whatever that is used by a railway is specially difficult to keep clean. Nearly all stations are generally pretty dirty, the gloss of a newly painted coach hardly lasts a week, and the sheen of a new engine is gone after the first run. In Victorian times this dirt could be kept at bay by a vast mass of underpaid labour, but to-day this surplus pool of labour no longer exists. Consequently, without this new Plan, British Railways must have got steadily dirtier. With it, they should get steadily cleaner, and it is this fact which needs to be more vigorously exploited and reiterated than it has yet been in any official explanation of what the Plan contains and why it is necessary.

This steadily increasing chance to keep everything to do with the railways clean and fresh has a direct bearing on the great need to foster a new ' pride of belonging ' to the service among the great mass of railwaymen of every grade. Few reforms would do more for this kind of morale than decent and smart uniforms. The clothes which railway servants are given to wear are not mentioned in the Plan, though there are a good many senior railwaymen who have this matter very much on their minds. It is no use giving the crew of a steam engine snowy-white boiler suits, but it would be a perfectly practical uniform for the driver of a diesel or any electric engine. For many years past the uniforms of all platform staff have been exceedingly scruffy. They look as if they were made from the

cheapest shoddy that could possibly be found. It is almost impossible to keep them smart and clean, and any dirt flying about the station attaches itself to them like a burr. For everybody below the level of the station-master and his immediate assistants the uniform is the same. The only way of distinguishing porters from guards and ticket collectors is to look at what is written in tiny letters on the front of a man's cap. A man may be the guard of no less a train than the Flying Scotsman or the Inverness Sleeper, but he will still be dressed in exactly the same cheap and nasty shoddy as the newest porter on Perth station. No doubt all this is a legacy of wartime and the years of financial stringency afterwards. But it is a bad legacy. Everyone knows that a good uniform helps morale and that it is not easy for a man to feel a deep pride in a service which so obviously dresses him on the cheap, and in a mass-produced uniform which shows no outward and visible signs of rank. The railways are now to have a completely new deal, and the visible sign of it is to be a new smartness and cleanliness. It would be an extremely unimaginative economy to clean up the locomotives, the stations, the rolling stock, the refreshment and waiting-rooms, and then to let all this reform stop short before it transformed the uniforms of the working railwaymen.

There is one other reflection which this new Plan raises in the mind of the amateur who, while regretting as much as any romantic the end of the steam engine, is convinced of its necessity and wishes it well. This is whether in the new circumstances the present policy of drastic closure of branch lines is not shortsighted and unwise. Naturally a branch line which steadily loses money and of which there is absolutely no prospect that it will ever pay must be closed. No one in his senses denies it. The only branch lines which steadily lose money but which must nevertheless be kept running are those which are strategically essential, such as all the lines north of Inverness or those which provide important links between two or more main trunk lines, such as the Didcot, Newbury, and Southampton branch. But the criterion of the solvency of a branch line is not under diesel traction the same criterion as it was under steam. Small two- or three-coach diesel railcars have been running all over the West Riding for eighteen months or more and the mere fact of their presence, and

the higher frequency of service that they can give, has transformed their financial situation. What under steam was loss under diesel has become gain. In the last six months these diesel railcars have replaced steam-hauled trains on all but the two main lines in the counties of Cumberland and Westmorland. Very soon now these railcars are to take over from steam the local lines between Glasgow and Edinburgh, though this is suburban rather than branch-line traffic. The branch lines of Lincolnshire are to be the next field of this experiment, and here is an area which is truly rural and where the majority of the track mileage is of the branch-line type. If these railcars can repeat in rural Lincolnshire the financial success they have enjoyed in the West Riding, and seem to be in a fair way to enjoy in Cumberland, then there will be good ground for believing that they can attract back to the railway traffic which steam has lost. If so, it is arguable that it will be better in the long run to allow a steam-hauled branch line to go on losing money for a few more years until it can be ' dieselised ' rather than close it down and tear up the tracks. Nothing in the world is more completely dead than an abandoned railway, and it is almost impossible to win back from the road at a later stage traffic which has been forced on to it by compulsory closure, nearly always in the teeth of local protest.

It is exceedingly unlikely that any of these arguments will have escaped the notice of the professional railwaymen who made the Plan and will now have to carry it into effect. Nevertheless it is worth while for an amateur to make them, provided that he does not allow his romanticism to blind him to the need for the Plan, or forget that professional railwaymen are just as concerned as he is for the good of British Railways and fully as anxious that they shall become again what they once were, the finest railways in the world. The railway administrators of to-day care as deeply as any of their predecessors did for the reputation and success of their service, and they have the chance to become more fully pioneers than any of their predecessors since the days of Stephenson and Brunel. The amateur can certainly make suggestions and they will be welcomed ; but he must realise that it is not he, but the professional, who has the detailed knowledge and who bears the burden of responsibility which he escapes.

ROGER LLOYD.

Art. 5.—RIGHTS AND OBLIGATIONS OF COMPANY DIRECTORS.

THE establishment of the Joint Stock Company as a separate entity distinct from the individuals who are its shareholders embraces one of the most significant elements of English Law. The conception of such an entity was not unknown to Roman jurisprudence, which recognised what was known as a 'Juristic Person,' a corporation which was clothed with many of the elements of an individual, but it was left to the ingenuity of British lawyers to construct the particular instance of that conception which has gathered within its compass a whole body of law that is now vital to the commercial life of the community. It has given to the company the inestimable benefit of limited liability, but in return for that gift demands of the company certain conditions of existence and rules of conduct which are intended to ensure the protection both of its own members and of the public with whom it deals. So far as fairness and honest conduct are concerned it endeavours to preserve the balance equally between the two.

The history of the stages by which the present status of the Joint Stock Company has been reached is a fascinating one, taking the reader through the stirring times of the great wave of speculation which spent its strength in the dregs of the South Sea Bubble and other kindred swindles, but it is not for us to pursue it here. What the writer would like to do is to note some more recent developments in the status and position of those happy or unhappy individuals known as company directors, and in particular to trace these by reference to certain leading cases of the last twenty or thirty years. Some of these have been spectacular from the public point of view and have commanded wide attention in the newspapers ; some have been important rather as landmarks in company law than as attracting more general notice ; but they are all alike outstanding in illustrating the rights and obligations of men who have taken upon themselves to direct the destinies of companies in England.

First it may be advisable to lay down one or two general principles as fundamental in governing the conduct of directors.

A director is a commercial man managing a trading con-

cern for the benefit of himself and all other shareholders in it. He may not necessarily be a shareholder, though this is usual unless the director be a full-time employee, but whether a shareholder or not he is forbidden to place himself in a position where his personal interest may conflict with his duty to the company. The typical examples of this is that a director may not contract personally with his company nor may he in his capacity of director enter into a contract with another company of which he is a shareholder. The rigour of this may be mitigated provided there is a clause conferring authorisation in the articles and provided the director discloses his interest in the contract and takes no part in settling such a contract at a board meeting. In accordance with the general law of agency a director may not make any personal profit out of any transaction in which he acts as agent for the company. If he does make any such profit, it belongs to the shareholders, and at the will of the shareholders the contract itself may be set aside. A company may not make loans to its directors except along certain lines which are carefully set out in the Companies Acts. A director, unless he is excluded from doing so in the terms of the articles, may bind the company in any contract which is *intra vires* the company. A director who sets his hand to a false statement in a prospectus is liable for any loss which a subscriber may suffer from taking shares on the strength of the prospectus. If in the course of any negotiation for selling the business or part of the business of the company a sum is offered a director as compensation for loss of office or any advantages he has given up, there must be full disclosure of this to the shareholders, or else the director cannot take it, or must hold it for the company if it has already been paid over to him. The above liabilities of a director are enforceable in a civil suit, but there are also sanctions to his conduct in the criminal law. The most important of these are those which attach to false statements in a prospectus—to be dealt with more particularly in discussing the case of Lord Kylsant later.

The obligations cited above, of which a few only have been specifically chosen, nearly all find their place in some section of the Companies Acts or have been accepted as embodied in the common law.

But over and above all specific obligations there is one

general one, somewhat intangible and recognisable rather by deduction than by any overt sign-posts on the way. This springs from the fact that the director is deemed to be a trustee of the interests of all the shareholders and all his actions must keep that well in view. 'The office of a director,' said James, L.J., in Smith *v.* Anderson (1880), 15 Ch. D. p. 147, 'is that of a paid servant of the company. A director never enters into a contract for himself, but he enters into contracts for his principal, that is for the company of which he is a director and for whom he is acting.' This theory of trusteeship on the part of the director, which is gaining wider and wider recognition not only in law but in the general control of the company's business, goes very deep and, as will be seen in discussing the Savoy case later on, stretches itself at the roots of the whole modern theory of directorship; it calls upon him to pause before he leads the company along some course of action against which there may be no open prohibition either in the company's own articles or in the over-riding provisions of the Companies Acts, but which is not in accordance with the ordinary principles of fair dealing. The case which in recent years brought prominently before the public the responsibility of a director under the criminal law for a false statement appearing with his consent in the prospectus of a company was that of the The King *v.* Lord Kylsant, which will be found fully reported in [1932] 1 K.B. 447–62.

According to the facts in the Kylsant case, the accused, Lord Kylsant, Chairman of the Royal Mail Steampacket Company, authorised the issue of a prospectus for debentures in which it was stated

'Although the company, in common with other shipping companies, has suffered from the depression of the shipping industries, the audited accounts of the company show that during the last ten years the average annual balance available (including profits of the insurance fund), after providing for depreciation and interest on existing debenture stock, has been sufficient to pay the interest on the present issue more than five times over.'

There followed in the prospectus a statement of the dividends paid on the ordinary stock of the company from 1911 to 1927, which, except in 1914, when no dividend was paid, and in 1926, when the dividend was 4 per cent., ranged from 5 per cent. to 8 per cent. The fact was that

the dividends were paid not out of current earnings but out of funds which had been earned in the abnormal war period. Nowhere in the prospectus was any hint of this given. It was argued for the defence that the above statement contained nothing that was incorrect and that therefore it was not a false one. The prosecution maintained that the statement by not disclosing the all-important fact that the dividends referred to had been paid from the profits of an abnormal period gave an untrue picture of prosperity to the reader while actually the company was in a bad way and there had been no profits for some time past. A person reading the words of the prospectus was given no inkling of this—the impression which it would create in the mind of the average man was a false one. In his judgment in the Court of Criminal Appeal, Avory, J., said ([1932] C.C.A. 99).

' In the opinion of this Court there was ample evidence on which the jury could come to the conclusion that the prospectus was false in a material particular in that it conveyed a false impression. The falsehood in this case consisted in putting before intended investors, as material on which they could exercise their judgment as to the position of the company, figures which apparently disclosed the existing position, but in fact hid it. In other words, the prospectus implied that the company was in a sound financial position and that the prudent investor could safely invest in its debentures.'

The appeal against conviction was dismissed and Lord Kylsant served a term of imprisonment.

The prosecution of Lord Kylsant was taken under section 84 of the Larceny Act, 1863. In prosecutions under this section the onus was put upon the prosecution of proving that the statement was false to the knowledge of the director accused. Now such prosecutions would be laid under section 44 of the Companies Act, 1948, which throws the onus of proving that he had no guilty knowledge upon the director. This puts the director in a much more difficult position in defending himself. It was one of the amendments of the law introduced by the recommendation of the Cohen Committee on the ground that the position of a company director was exceptional and that it was incumbent upon him to be specially on his guard when he put his signature of approval to a proposed prospectus.

As regards the liability of a director to pay damages at a

civil suit for loss sustained through the issue by him of a false statement in a prospectus the position was settled much earlier by the introduction of the Directors' Liability Act of 1890, which has been embodied in all subsequent legislation on Company Law. Where it can be shown that a director has put his hand to a false or even a misleading statement in a prospectus he is immediately put upon his defence. It is not necessary to prove that the statement was fraudulent and false to the knowledge of the person issuing it. The director is given certain grounds of defence, notably one based upon the fact that he believed the statement to be true and had reasonable grounds for such belief, but once it has been shown that the statement was untrue he has the onus against him and must defend himself. The practical effect of this is that the director must go into the witness box and submit himself to cross-examination.

The fierce scrutiny which beats upon a director may now be turned on that aspect of his responsibilities which involves his relations with his shareholders rather than those who are being tempted to subscribe for shares and become members. Apart altogether from the question of honesty, what degree of care, skill, and diligence is demanded of a director in his relation to managing the affairs of his company for his own benefit and that of the members? This is a question which many a man must put to himself when he is called upon for the first time to take a seat on the board of a company, and it would be safe to say that many a man who has not been brought up to business has demurred to taking a seat simply because he could not give himself a satisfactory answer to that question. He knows vaguely no doubt that if a company suffers loss through the negligence of its directors they may be held guilty of misfeasance at the suit of the members and may have to make good the loss. This is true whether the company is one with limited or unlimited liability and is entirely outside the position of the director as a shareholder. As has been pointed out, the director is in the position of a trustee and in certain circumstances he may be responsible in law even though he has been guilty of no conduct involving dishonesty. Here one must again have recourse to principles laid down as the result of a leading case, namely that of the City Equitable Fire Insurance Co., [1925] Ch. 407.

Most middle-aged readers will remember the name of

Gerard Lee Bevan in connection with the City Equitable Fire Insurance Company. He was its chairman and managing director. One does not need to dwell upon the painful facts of Bevan's own case and it will suffice here to say that he was found guilty of misappropriating a large amount of the company's funds and condemned to a long term of imprisonment. The money was not recovered and it then became a case of considering how far his fellow directors could be made responsible for the loss. According to one view, the whole thing had been going on under their very noses. They ought to have been put upon suspicion and have made some attempt to stop it. In failing to do this they were guilty of negligence and should be held accountable even though no actual dishonesty could be proved against them. On the other view, the doctrine of negligence against directors should not be pushed too far. A director is entitled to trust the responsible officers of a company and assume that they are honest. If a director brings to the affairs of his company the care and attention that a prudent man would give to the management of his own life and business, then he is not to be held liable if, through an error of judgment or even a train of such errors, the company suffers loss and the shareholders find that there is nothing left for them when the company is wound up and the assets distributed. The issue against the directors was somewhat complicated by a clause in the articles absolving them from any loss not found to be due 'to their wilful neglect or default,' a clause which by section 152 of the Companies Act, 1929, has since been declared to be non-effective should it ever be inserted in any articles again, so that no great consideration need be given to it now.

It would be impossible to follow the allegations made against Bevan's fellow directors in all their ramifications; sufficient will it be to take here certain general conclusions to be drawn from the judgment of Mr Justice Romer which have never been contradicted and still hold the field. These are put so well in the headnote at page 408 of the law report that the writer makes no apology for quoting them.

'In ascertaining the duties of a director of a company, it is necessary to consider the nature of the company's business and the manner in which the work of the company is, reasonably in the circumstances and consistently with the articles of

association, distributed between the directors and the other officials of the company.

'In discharging those duties, a director (*a*) must act honestly, and (*b*) must exercise such degree of skill and diligence as would amount to the reasonable care which an ordinary man might be expected to take, in the circumstances, on his own behalf. But (*c*) he need not exhibit in the performance of his duties a greater degree of skill than may reasonably be expected from a person of his knowledge and experience; in other words, he is not liable for mere errors of judgment; (*d*) he is not bound to give continuous attention to the affairs of his company; his duties are of an intermittent nature to be performed at periodical board meetings, and at meetings of any committee to which he is appointed, and though not bound to attend all such meetings he ought to attend them when reasonably able to do so; and (*e*) in respect of all duties which, having regard to the exigences of business and the articles of association, may properly be left to some other official, he is, in the absence of grounds for suspicion, justified in trusting that official to perform such duties honestly.'

In further pursuit of the obligations of directors one may now turn to much more recent events that those clustering round the affairs of Lord Kylsant or of the City Equitable Fire Insurance Company.

During the early months of last year the affairs of what may be called the 'Savoy Group' of companies attracted a considerable amount of limelight in the press, and even people who knew little or nothing about the law governing the management of companies endeavoured to follow the proceedings and found themselves not a little surprised by the action taken by the directors of the Group. Here again there were many ramifications in which the layman might well lose himself, so that the issue must be summarised in language that he can understand. There was a bid by an outside interest for the shares of the companies, no doubt with the intention of gaining control of policy. The property of the Group comprised, of course, the Savoy Hotel in the Strand and the equally well-known hotel known as the Berkeley in Piccadilly. The accounts of the Berkeley showed that it had not been paying well for some years, and the avowed intention of the group bidding for control was to change all this and turn the hotel premises into shops and flats, from which there was a firm prospect

of making a good profit, as against the falling fortunes of the Berkeley Hotel. But the directors of the Savoy group deprecated any change and so they set about constructing a scheme under which, no matter what happened to the ownership of the shares, the Berkeley Hotel would continue to be the Berkeley Hotel for all time and no change of user of the building could be introduced. A new company known as the ' Worcester (London) Company ' was founded to whom the Berkeley Hotel was sold ; the Worcester Company in turn leased the Hotel back to the Berkeley Company for a period of fifty years, and the lease contained a covenant which would prevent the lessees changing the user of the hotel without the consent of the Worcester Company. The net effect of all these transactions was that the holder or holders of the majority or even of the whole of the shares of the Savoy Companies could not after the implementation of the scheme, either directly or indirectly, by use of his or their voting powers free the Berkeley Company or cause it to be freed from the restriction imposed on the user of the Berkeley Hotel and site. No matter who should acquire the Savoy shares the Berkeley Hotel would still be the Berkeley Hotel, and remain one of the landmarks of Piccadilly.

To the ordinary reader this would seem to be a somewhat drastic use of the powers of directors, no matter what rights were given them by the articles of the company, and the Board of Trade was asked to carry out an investigation under the powers given them by Section 165 (*b*) of the Companies Act, 1948. This enables the Board of Trade to appoint an inspector to investigate the affairs of a company with particular reference to the actions of the directors and the ownership of the shares. The report of the inspector appointed (Mr E. Milner Holland, Q.C.) was published as a White Paper in due course. The findings of such an inquiry do not bear the same weight as the decision of a court of law, but they have the result of reviewing the actions of the directors and reporting on them openly in a way the public can understand clearly what has been done. In the present instance a pointer was given on the legality or illegality of the directors' action which is not likely to be ignored in the future. What was the pointer ?

Here again one must strip the findings of some of the technicalities of company law, though indeed the report is

set out in language admirably simple which may be read and even enjoyed by the layman as well as the lawyer. The report in effect says this. The action of the directors of the Savoy in setting gyves and fetters on the hands and feet of the shareholders was *bona fide* and did not transgress the letter of the law as laid down in the articles of the company, and as controlled by the Companies Acts. The directors genuinely believed that the Berkeley as a hotel would pay in the long run and their predilection for it was not merely the love of a man for his own child, as against the more sturdy offspring that new shareholders might adopt in its place. Moreover, the articles of the company gave the directors great powers which in the last recourse might give them the right to sell the assets and wind up the business of the company. But the directors of a company have a duty of trusteeship to the shareholders and it would not be in accordance with such trusteeship that they should at the same time carry on the business of the company in their capacity as managers and directors and also cut off the shareholders from all part or lot in the future policy of the company. There was no case in the reports of the courts which said this in so many words in a situation directly comparable with that under review—all lawyers will know that there rarely is such a case. But it had been held in a previous leading case, Piercy *v.* Mills [1920] 1 Ch. 77, that it was wrong for the directors of a company to make an issue of unissued shares simply to enable the directors to keep control of the voting powers in a matter on which they had been challenged by the shareholders. Power to issue shares was not given them for this purpose. On that analogy it could not be right for directors to manipulate the affairs of their company in such a way that the voting powers of its shareholders could be rendered of no effect on a matter embracing the whole policy of the company.

Here one must leave the Savoy Company for the time being. As anyone who followed the negotiations knows, the shares did not change hands to the outside bidder, so that the matter of the change in the user of the Berkeley was not brought into direct politics, in which case a decision of the courts must have been sought. With the report before them the directors may have since considered whether they could continue to nurture the somewhat

grandiose scheme which the lawyers constructed for them. It is perhaps best not to inquire, but one may safely hazard the opinion that the report has given rise to considerable heart-searchings among directors generally and will probably have a salutary effect on their interpretation of their responsibilities towards their shareholders in the future.

A further aspect of the duties of directors is to be gathered from the Tate & Lyle case, which reached the final stage of a House of Lords' decision last year. It turns on the extent to which it is permissible for a company to take part in the political issues of the day. It is not specifically illustrative of the duties of directors, but as the policy of the company was obviously that recommended, if not dictated, by the directors, it may be regarded as a useful guide on the extent to which a company may range itself on one side or other of what might be described as a political issue. The way the matter came before the courts was as follows.

During the years when the last Socialist Government was in power, the nationalisation of industries was very much in the air, and as a matter of history certain industries which need not be specified were actually taken over by the State. The various acts, such as the Coal Act, the Transport Act, and other like statutes, specified the means by which this was to be effected, and in accordance with these acts the nationalisation of these industries was actually carried out. No company engaged in industry knew the hour when the name of their industry might not be called, and the arrival of the tumbril at their gates might not be announced. One could scarcely read the report of the annual meeting of a company without seeing in it a jeremiad about the hard incidence of taxation upon industrial companies and the strangulation of commerce by the fetters of government control. This might be quite legitimate in its way, though sometimes one could hardly distinguish the language used in the serene surroundings of Leadenhall Street from the tub-thumping at a contested election, and some very old-fashioned shareholders may not have thought it was quite good form. However, if the companies paid for the propaganda themselves, no one objected very much to the annual heat of their chairmen's speeches. But a case arose in which the propaganda went further than this, and in which the Inland Revenue, which

is really the sentinel of the taxpayer, were invited to assist the company in question by allowing the cost of such propaganda to be a legitimate expense against taxation. This was how the matter came to reach the courts and was duly argued before the final tribunal of the House of Lords.

What the company of Tate & Lyle did was as follows. During the year 1949 through the medium of an advertising agency known as 'Aims of Industry Ltd.' Tate & Lyle launched a campaign against the nationalisation of the sugar industry In the expenses of the company for that year a sum of 15,300*l.* was earmarked as 'Anti-nationalisation (specific),' and the sum was claimed as a lawful deduction against income tax. A good deal is said in the press about the expenses allowances of companies and directors sometimes without much understanding of what the governing rules are. Under the terms of section 137 (*a*) of the Income Tax Act, 1954, it is laid down that in computing the profits of a company, or indeed of any business, 'no sum shall be deducted in respect of any disbursements or expenses not being wholly and exclusively laid out and expended on the purposes of the trade.' The interpretation of the rule has been the subject of a good many tussles with the Inland Revenue, and it will be obvious that the instant any question arises of expenditure on a matter which might be construed as political propaganda the public authorities must be very much on the alert. It could never be right to allow a public company to do something with their money which could be allowable as an expense against income tax unless the expense fell within the somewhat narrow definition quoted above. In the present instance, for example, opposing a nationalisation policy which was almost exclusively the child of one political party could never be allowed as a deductible expense unless it could be brought within the proper formula. In the case of Tate & Lyle the Income Tax Commissioners allowed the expenditure, but the Inland Revenue appealed and in the final event the case was taken to the House of Lords. The company won. The expenditure 'Anti-nationalisation (specific)' was held to have been made wholly and exclusively for the purpose of the trade.

It would perhaps be too technical to go into the intri-

cacies of the case as argued before the House of Lords and it may be said that the finding of the House was not a unanimous one, so that there is still something left for the lawyers to nibble at in the minority judgments. Broadly speaking, what the majority of the House said was this. Nationalisation of an industry might take two forms, either the transfer of the whole assets of an industry to the State or the transfer of the shares of a company to state nominees leaving the company still to carry on the business. The directors of Tate & Lyle envisaged the situation that their business would be taken over lock, stock, and barrel by the State, that the valuable connections and activities which had been built up over a period of many years by private enterprise would disappear, and that whatever compensation might be given would inevitably mean loss to the shareholders and loss to the trade of the company. In carrying out this propaganda the company might be opposing something that would affect the profits of others besides their own individual company, but this was only incidental, and the object of the agitation was to enable Tate & Lyle to earn the profits of their business.

By the decision of the House of Lords it has been held that this view was right. But the decision is not one which should encourage any company to butt into party politics, particularly at a time when the influencing of votes at a General Election might be imminent, and expect the Inland Revenue to allow the expenditure. Apart altogether from that aspect, a company who did this might well find itself in difficulties over the question of whether such expenditure might not be *ultra vires* and entirely outside the objects for which the company was formed. That is a matter on which the shareholders might have something pertinent to say, and the whole question of misfeasance might crop up to the discomfiture of the board of directors.

In considering the position of directors the writer has thought it better to illustrate the theme by reference to the specific cases dealt with above at the risk of leaving out a good deal of general matter which does not always render itself open to illustration by examples, which have figured in the courts or in the press. These cases necessarily turn on matters in which big businesses have been involved and a good deal of money has been spent before they could be brought to public notice.

Apart from such spectacular happenings one must remember that there are thousands of directors carrying out their duties from day to day, many of them in small private companies, who do their best to discharge their obligations within the framework that has been laid down by the State. The days of the 'guinea-pig' director are largely over, though it still does a public company no harm to have a few titles of honour adorning its prospectus. Anyone reading the Companies Acts, with their meticulous safeguards both for the public and the members, might well come to the conclusion that directors as a class are never to be trusted and hence the powers that be have hedged them about with restrictions comparable to the cages in which dangerous animals are confined. The many are, alas, called upon to suffer for the delinquencies of the few and are impertinently warned against temptations that may have never so much as crossed their paths. It must always be so where legislation is made to cope with the exception rather than to exemplify the rule. Where the director takes his duties seriously and does his best he has little to fear. He is not required to be a superman because he is a director; he is not expected to know the hearts of all his employees, and to know by the look of his face whether a confidential servant is honest or not. But if he is put upon suspicion, he is not to sleep upon it. Except where fraud is concealed by superhuman efforts, the time invariably comes when the action of the guilty does not ring true. If the director faces such a situation boldly, as he would do in the affairs of his own household, then he is doing all that can be demanded of it.

Space prevents me dealing with another important aspect of the director's work, namely that of caring for the welfare of the company's staff. Of late years greater and greater emphasis has been laid upon this. Every company of any appreciable size has now its own pension fund to supplement the State benefits—the inauguration and management of such funds occupy no small part of the director's time. Apart from this there are benevolent funds, for the most part entirely non-contributory, sports funds, educational schemes, and a host of other organised activities. Without these no company employing any considerable staff can hope to recruit its personnel and keep them happy and contented. These are all matters

which even a few years ago would have been regarded as outside the scope of the ordinary activities of the directors. If the workpeople liked to indulge in them, well and good. There was no objection provided they did not monopolise time that should have been given to serious work. But all these when taken together now demand a much wider outlook on the part of directors. It would almost appear that the clock has ticked round again to the days when the employer was the father of a large family of children for whose care and health the directors were collectively and individually responsible. This was lost sight of in the hurly-burly of the industrial revolution and again weakened by the advent of trades unions, of workmen's compensation laws, and the universal application of National Health Insurance. It is a tribute to the character both of employers and employed that out of all this welter the spirit of welfare, as opposed to the hard bargain of contractual obligations, should still be alive, and still recognised as part of the director's legitimate responsibilities.

J. C. ARNOLD.

Art. 6.—TURKEY AFTER THIRTY YEARS OF THE REVOLUTION.

I WAS at Konya, the Greek Iconium and the former capital of the Seljuk Turks, in the heart of Anatolia, last summer on one of the Turkish national holidays The people of the new Turkey were celebrating the victory of independence in a battle which was fought in 1921 near Konya. There was a big military parade, for which the whole population turned out, and there were speeches in the square, under the historic mosque of Ala-eddin, by the general of the garrison and by the civil governor of the town, who was faultlessly attired in a black morning-coat and top-hat. A week later I was in Bursa (formerly Brusa), the lovely, unspoilt green city of the ancient Bithynia, near the Sea of Marmora, which was the capital of the Ottoman Turks till they captured Constantinople in 1453. Bursa may be described as the Canterbury of Turkey. There I witnessed another popular holiday, a celebration of the deliverance of the town from the Greek invader in 1922. This time the procession was of the civil servants, the police and the fire-brigade, the veterans of the war in the tattered clothes which they wore in 1922, and the schoolboys from the villages in the school uniforms. Again there were speeches, and appeals to patriotic sentiment.

On both occasions, in the evening before and after the celebration, the town was illuminated with the coloured electric lights which the people love and which are introduced into the most famous mosques. The illumination in Konya, indeed, was interrupted because the electricity failed for a time, on account of the excessive night-load. The occasional breakdown of the mechanical apparatus is characteristic of a country in transition from a peasant to a mixed peasant and industrial society, and gives zest to travel in Turkey. It happens not seldom with the motor-buses—the Turks call them coaches—which are the principal means of transport of the peasant people, and also of the English tourists who must eke out their basic travel allowance. It may happen too with the trains, which crawl along their serpentine tracks between the principal towns, usually on a single line. Turkey is a country in which it is often possible to travel well and not to arrive. It is vast: three times the size of Great Britain, and with a

population less than half the British. Four-fifths of its population live in the 48,000 villages and rural towns. It is not surprising then that Turkey offers a remarkable example of a revolution in slow motion.

Enormous progress indeed has been made since 1924. The agricultural production has been increased manifold. Whereas in 1927 four and a half million hectares were cultivated, in 1952 over ten and a half million were under cultivation, and the yield had risen from 2½ million tons to 15 million tons. The mechanised roads in the country were trebled during that period, and the railway lines more than doubled. The ardour of the revolution is not yet spent, but it has been slowed down in recent years. Ataturk is venerated as much as he was when his Republican Socialist Party governed the country for twenty-five years. The magnificent mausoleum, which has been erected for his tomb in Ankara, and is a truly stupendous construction, is proof enough of that. No public place or hotel or café is without his picture, usually showing him in immaculate evening dress.

The present Democratic Government, now in the fifth year of office, have more regard, however, than the first revolutionary party for the old habits of the country people, and particularly for the hold of the Islamic religion. As you drive through the country, you see many new mosques being constructed, and in Ankara, close to the mausoleum, a big central mosque is rising. The call of the *muezzin*, amplified by the loudspeakers—which are a part of the gradual mechanisation of life—is a constant reminder of the steadfastness of the faithful. The University of Ankara has just established a faculty, or department, of theology, which is designed to prepare the young intellectuals and the future teachers of the secondary schools—who are the main carriers of the revolution—to teach the principles of morality and religion, and in that way to replace the influence of the Khojas, the Muslim leaders of the old order. There has been nothing like a counter-revolutionary movement, but the government recognise that it is not good to force the pace of change too much ahead of public opinion.

Again, though the programme of education, primary, secondary, and higher, is remarkable, it remains true that two-thirds of the total population are still illiterate and

over a million children of school-age—one-third of the whole—cannot attend the primary school. The main reason is that it is not yet possible to train sufficient teachers. Turkey has now three universities; a general and a technical university in Istanbul, and the University of Ankara. A second technical university is planned at Ankara, and another university in eastern Turkey, with its colleges distributed between several centres.

One aspect of the revolution which has been retarded is the emancipation of the women. Although by law women have equality of rights, and several women are Members of Parliament and many are lawyers and doctors, outside the big towns the women are still largely confined to the house. They are scarcely seen in the cafés or the *locantas* (restaurants); and the society in public places is masculine. If the *yashmak*, the veil covering the face, is disappearing, the black head-dress which covers the head is still common. The Turkish men and women have no divine impatience and change their habits slowly.

The House of the People (Halkavi), which was set up by Ataturk in every village as well as in every town, to be a centre of enlightenment, has been swept away by the Democratic Party now in power, on the ground that it was used for political propaganda by what is to-day the opposition party. The village institutes, also, which were a significant part of the original programme of adult education, designed to change the peasant habits, to improve their ways of cultivation and the village hygiene, are no longer being spread over the country. True, more scientific agricultural colleges are being established or are springing up in the larger centres, and teach the more educated classes. Yet the glaring contrast is constantly presented between the larger rural centres with quantities of American mechanised instruments—the tractors and the harvesters, the combines, the silos and the power-plants—on the one hand, and the thousands of small villages where the cultivators still use the ox-drawn plough, carry their crops in the covered carts such as their nomad ancestors used centuries ago, and winnow their corn by hand on the threshing-floor. The Turks of the village are inherently a traditional and conservative people; and progress has to be imposed. Another change made by the present Democratic Government is to slow down the nationalisa-

tion of industries and to encourage individual and corporate private enterprise. Thus merchant shipping, which was a State-controlled industry, has now been taken over by a special Maritime Bank; and other big banks are responsible for the new manufactures which are springing up, for example, textiles and sugar, and for large housing schemes. Competition between the Turkish banks, which are also new creations since the revolution in the country, is very keen. The main streets in the towns, and even the main roads in the country, are beset with their rival advertisements, which are more insistent and more prominent than the advertisements for radios, soaps, and beauty powders.

The problem of external security is a primary consideration of the government. While I was in Turkey, the chief political event was the state visit of the President to Marshal Tito of Yugoslavia to sign the treaty of friendship. His return to Istanbul was made the occasion for another half-holiday. Triumphal arches were erected in the main streets. Red flags flew from every public building, house, or shop; and in the streets an enthusiastic crowd welcomed him on the achievement of a national triumph. In recent months Turkey has strengthened her defensive position to meet any threat from the north by pacts with Pakistan and with Iraq. She is a strong bastion of Western democracy in the Middle East against Communist aggression. The south-eastern headquarters of N.A.T.O. is near Ismir, and Turkey's membership of N.A.T.O. is taken with the greatest seriousness. With American aid a large constructive programme for building air-fields and strategic roads is being carried through. The American military and civil missions are large if unobtrusive; and it is notable that a construction enterprise of Israel, the Solel Boneh, which is part of the Israel Federation of Labour, is also providing technicians for some of the military works.

Surprisingly, in spite of growing American and English influence, German is still the language to which the Turkish intelligentsia most readily turns for conversation with the foreigner. A quarter of the total trade of Turkey, imports and exports, is with Germany. At the International Trade Fair of Ismir, which is a major annual event in the economic life of the country, and which last year was on a much larger scale than before, and attracted the participation of

seventeen foreign countries, the pavilion of Western Germany was second only in size and importance to that of the Soviet Union.

One reason for the persistence of the German language is the influence that has been exercised since 1934 by the reception into the Universities of Istanbul and Ankara of a hundred German refugee professors driven out by Hitler's frenzied barbarism. That migration of scholars from the west to the east has had an abiding effect, though most of the hundred have either returned to Germany, or emigrated to other countries or died. But they have brought up a generation of Turkish scholars and scientists trained in German methods. Their influence, too, is particularly felt in the fields of art and music. Turkey has fairly entered the artistic world of the west. Last September Istanbul welcomed an International Congress of Art Critics; and Turkish composers took a distinguished part in the Festival of the International Society of Contemporary Music, which was held in June 1954 at Haifa.

German enterprise will carry out the enlargement of the harbour of Samsun on the Black Sea; and it is engaged also in the development of a sugar industry. Nevertheless American and, to a lesser extent, English educational influence is growing from year to year, partly through American colleges in the land, partly through the work of the British Council in Ankara and Istanbul, and partly through the number of Turkish students that go to the United States and to Britain for specialisation and further study.

The growing mechanisation, which is part of the American influence, is tending to change the entertainment of the people. Most of the films in the many cinemas are American. A fun-fair and luna-park is to be found in every large town. It is a pathetic symbol of the passing of the old order that in Istanbul one of the fun-fairs is by the side of the Golden Horn in the garden of the Sublime Porte. The scene of the past splendour is now a municipal park. The revolutionary fervour is deliberately eliminating the romance and the mystery of the old capital of the Roman and Ottoman empires. So, after, thirty years, Turkey has a new look, even as the Turks have new clothes.

One characteristic of the new Turks, a heritage from

the tradition of hospitality, affords a most precious attraction for the foreign visitor and compensates for the physical difficulties of travel. It is the eager helpfulness of the young men and women, particularly of the university students and the teachers, to come to your aid. They spare no time or trouble, and will take no reward. The tourist bureau of the government or the municipality may sometimes leave something to be desired. Yet if you give hostages to fortune and rely on finding a friend in the hour of need, you are sure to be rewarded. One of the permanent results of the revolution has been to make the educated Turk world-minded, to feel himself a citizen of the world as well as a Turkish patriot.

The Turks have a vast and rich land, but lack at present the systematic knowledge to develop it fully. They are learning from the Western states, and they aspire to be the cultural bridge between Europe and Asia. They have a sense of mission in this age of scepticism and general frustration, and they combine a healthy realism with an idealist faith in their destiny.

NORMAN BENTWICH.

Art. 7.—THE SUPER-WEAPON AGE.

THE super-weapon age has begun, or is, at all events, about to begin. We are on the threshold of it. As is explained later, it may be very short and hardly worthy to be called an age. On the other hand, it may persist. Let us assume that it does. What will be the nature of it ? It might be a dark and terrible age in which the world would be plunged back into something worse than anything which the Middle Ages witnessed. It might be a golden age, a Saturnian reign of peace, of respite at any rate from the plague of world wars. Or, finally, it might be an age not very different from that in which we are living now, an age of mingled good and bad and marked by no great change from the present.

The coming of the super-weapons, we are warned, will bring immeasurable calamities to mankind. It will bring slaughter and devastation on a scale never before experienced on this earth. Civilisation will be rocked to its foundations. Mankind will be reduced almost to the condition of the brutes. All the precious gifts of the centuries will be consumed and lost in a holocaust that will turn the inhabited world into a scorched desert.

Yes, say the subscribers to the other school of thought, and just because that *might* happen it will not happen. Fear that it might happen will prevent the nations from embarking upon the perilous adventure of global war. The world will seek peace and ensue it, and will do so simply because these dreadful instruments of destruction have come into existence. Big business in war would be very bad business if they were to be used. They are not likely to be used in small wars, and these may continue. It is large-scale war which matters most of all.

The possibilities range, it will be seen, from the gleaming heights of hope to the gloomiest depths of despair ; and for each possibility a case can be made. The most diverse views can be held and in some measure substantiated. The coming of the super-weapon is the worst thing that has ever happened to man. It is the best thing that has ever happened to man. The weapon is a curse. It is a blessing. It should be wiped out of existence. It should be kept in existence at whatever cost. Get rid of this foul thing and we free the world from a reign of terror. Get rid of it and

we lose the greatest opportunity that has ever come to us of freeing the world from war. Each of these views is advocated with passionate conviction. Each is held by capable, sincere, patriotic men. To middle-of-the-roaders it would seem that there must be some lack of perspective in each of the pictures. They suspect that the lights and shades are over-emphasised, that the bad features are exaggerated in the one case and the good in the other. They are left with the feeling that we shall still have wars in the future and that they will be of very much the same pattern as before. They would not deny that the super-weapon is a deterrent, but would ask—deterrent against what? Against resort to war or against use of itself if war were nevertheless to come? The latter alternative cannot be ignored. Would France, they would ask, ever concur in the use of such a weapon against an enemy who also possessed it? They would recall how she vetoed strategic bombing for nine months in 1939–40. The danger to Paris is far greater now.

Can we indeed look forward to an age untroubled at least by major wars? The late Ernest Bevin thought that we could. In a speech at Bristol on Feb. 19, 1949, referring to the Atlantic Pact then in contemplation, he asserted his belief that if western defence were organised on the scale proposed, ' there will be no war for hundreds of years.' He must have had major wars in mind, such wars as the Pact was being framed to prevent. There was a minor war in progress in Indo-China when he spoke.

More recently a very distinguished officer of the Air Force, Marshal of the R.A.F. Sir John Slessor, has argued persuasively that the super-weapon has killed large-scale war. He has expounded this view in his book entitled ' Strategy for the West ' and in a lecture which he gave at the Royal United Service Institution on April 14, 1954. Total war, he said in the lecture, is a thing of the past. ' War has no future, that is, total shooting war as we have known it twice in our generation.' It has been abolished in the ' only possible way—it has abolished itself '. For the abolition of it we have to thank the super-weapon. Ban that weapon, and war will reappear.

Sir Winston Churchill himself has said the United States would be guilty of murdering human freedom and of committing suicide herself if she were to destroy her stocks of

the new weapons. They had been our sole effective shield from mortal danger. But for them, he warned the House of Commons, Europe would have been communised and London brought under bombardment before now. They were our salvation in the years of peril since 1945. They saved us from a third world war and from defeat in that war.

Even if one feels that there is in these claims over-simplification of an extremely complex situation, there can be little doubt that the likelihood of the super-weapons being used has had some effect in the prevention of war. No country, it has been said, wants to rush into war, global war, at any rate, while these things are in the world. It is a reasonable assumption that in the future they will have a similar influence in restraining pugnacity. Whether they will kill war is not so certain.

They may do so, but on the other hand they may kill themselves. For that, too, is a possibility. There can be little doubt that if two States which have super-weapons do go to war each will strike at the other's super-weapon potential. The common assumption that the large centres will be the main objectives is challengeable. One of the clearest lessons of the last war was that such attacks were not, on the whole, very profitable. It is probable that they would still be of doubtful utility if the new weapons were used. The really paying targets were oil and communications. It was the blows at these, the official history of the air operations states, that were 'really decisive.' They were dealt only towards the end of the war; they could never have been dealt, says the history, if our bomber force had not been patiently built up until it acquired such devastating strength.* But at the end of July 1943 Bomber Command was able to spreadeagle the great city of Hamburg. It could surely have erased most of the oil plants in 1943–44, if it had not been used in those years for city-wrecking on such a great scale. Deprived of liquid fuel, Germany would have been brought to her knees by the autumn of 1944—before the Soviet forces obtained a foothold in the country.

That mistake is unlikely to be repeated. Oil will again be high on the list of objectives in another war, especially

* 'The Fight is Won,' H.M.S.O., 1954, p. 387.

as it will be the motive power for the carriers of the super-weapons. Those weapons themselves, one can be confident, will be the target of first priority. The main plants in which they and the materials for them are produced will be the most magnetic of all objectives. Of no less importance will be the establishments in which the aircraft that would deliver them are made, and the bases of such aircraft. The last class of objective was named indeed by Sir Winston Churchill in his speech in the House of Commons on March 1, 1955, as that of first priority. ' There are scores of airfields,' he said, ' from which the Soviets could launch attacks with hydrogen bombs as soon as they have the bombers to carry them. It is essential to our deterrent policy, and to our survival, to have with our American allies the strength and numbers to be able to paralyse these potential Communist assaults in the first few hours of the war, should it come.' Targets which would threaten us, he said later, should be given what we consider the necessary or deserved priority in the first few hours. ' Those targets might be of such cardinal importance that it would really be a matter of life and death to us.'

The war may resolve itself, in fact, into a gigantic duel between the agencies of the new order of warfare, everything else taking a subordinate place. Super-weapons will strike at super-weapons, or rather at the infra-structure of the weapons. An American authority has suggested that the super-weapon industry may prove to be the only important target of an air force, and that the mere existence of the weapon may ensure that this battle can be won conclusively, with the utter destruction of the bombed facilities. A weapon of this nature, he points out ,' bears in itself the power to limit its destructiveness.'* An irresistible force may be countered by an irresistible one. The two forces may ' cancel out.'

A belligerent who, having the weapon, turned aside from the task of putting his opponent's corresponding weapon out of action and attacked cities instead would be repeating the blunder which the Germans made when they switched their air offensive from the English airfields to London in September 1940. ' Goering,' says Sir Winston Churchill, ' should certainly have persevered against the

* S. T. Possony, ' Strategic Air Power,' 1949, p. 132.

airfields, on whose organisation and combination the whole fighting power of our Air Force at this moment depended. By departing from the classical principles of war . . . he made a foolish mistake.'* The airmen of the *Luftwaffe* knew that it was a mistake. One of them has put on record the sense of disappointment and indignation felt by them when the potentially decisive battle against Britain's fighter strength was broken off prematurely for a ' prestige operation ' that could not yield decisive results.†

Nothing of all this can happen if there is no war, that is to say, if the effect of the super-weapon is to avert war. If it is to do so, it will have to have an ally to aid it, a strangely contrasting ally. The ally is *appeasement.* Appeasement has been for some years the dog with the bad name. No one has a good word to say for it. A policy of appeasement can all too easily be denounced as one of scuttle, of the paying of danegeld, of any sort of unworthy betrayal of national interests ; yet it is an essential ingredient of statesmanship. Samuel Butler said that it was a mischievous saying that one could not serve both God and Mammon. On the contrary, he argued, the whole duty of man consists in doing just that. (It all depends, of course, on what one means by serving Mammon.) So, in international politics, the whole duty of statesmen does not consist in saying No eternally. If it did, Mr Molotov would be the greatest statesman of all time. There are occasions when Yes is the better answer, from every point of view. To yield a point in order that a settlement may be reached can often be the height of statesmanship. Last-ditchers will always be up in arms against such ' weakness.' It may not be weakness at all.

So, if we are to have respite from war, we shall owe it perhaps to the super-weapon in the background and more certainly to a spirit of give-and-take in the forefront. The nations will have to learn to live and let live, to recognise the right of some to govern themselves in one way and some in another, to see that different systems are as capable of co-existing in the political domain as are Fahrenheit and Centigrade in the scientific. The result should be the preservation of peace in the great majority of disputes

* ' Their Finest Hour,' 1949, p. 292.

† Theo Osterkamp, ' Durch Höhen und Tiefen Jagt ein Herz,' Heidelberg, 1952, p. 369.

which might in former times have culminated in war. No country the rulers of which are in their senses will be eager to go to war to-day. The super-weapon, it has been said, is a great inculcator of patience. It must not be forgotten, however, that the weapon may be a temptation as well as a dissuasive. All depends in whose hands it is and from what angle it is seen. It would certainly be a temptation, and a very terrible one, in the hands of a new Hitler—not necessarily a German one—if one should arise. Suppose he too should lose patience and ' go off the deep end ' : he might see in the new weapon the ideal instrument for achieving his ambition. He might stage a Pearl Harbour stroke in the hope that by doing so he could destroy at the outset his opponents' will-to-war. That tens of thousands of innocent people would perish so that he might have his heart's desire would not weigh with him at all.

There would be a temptation for his opponents, too, if they became aware of the plans simmering in his half-crazy brain, to forestall him and to strike first. Where a weapon of this kind is in being there cannot but be such a temptation, for to be first to strike may be the sole hope of survival. It would be a preventive blow, and the policy of preventive war has been expressly repudiated by President Eisenhower and other spokesmen of the West ; yet there might be circumstances in which such war was not other than a necessity of defence. Only the most indubitable evidence of the ' Hitler's ' intention would suffice to justify it, but, given such evidence, it would be not without excuse.

The difficulty in any such case would be that the peace-desiring States could not be certain that the superman, the dictator, for all his bluster and his fulminations, really intended war. They would be in the dark, as they were in 1939, and there would always be a glimmer of hope of a peaceful issue of the dispute. Does Hitler want a settlement with Poland ? Could one be reached if the Poles were reasonable about Danzig and the Corridor ? Are these the real bones of contention, or are they only pretexts ? Is he irrevocably set on war? Would he be disappointed if it did not come ? Are all the diplomatic exchanges, the Notes, the interviews, the attempts to conciliate him, only waste of time ? Is he merely waiting for the hour when the Wehrmacht has orders to march ?

Is it any use to reason with a madman who wants the earth ?

The paranoiac of the Hitler type is, fortunately, rare. Mostly, one may hope, the statesmen on whose decision peace or war depends will be wiser and more responsible than he showed himself to be. They will have regard to other factors than those of comparative strength and the degree of readiness for war on the respective sides. National strength and preparedness will still be factors of the problem, but they will not have the weight which they had formerly. Before our days the stronger party to a dispute could usually afford not to yield an inch. If war did result he knew that he would not suffer and would be fairly sure to win. Now the position is different. There can be no real winners in major wars to-day, and even a minor war may develop into a major one. Both parties, if they are in their right senses, will be more inclined to settle than to strike, and that means that there will have to be a certain amount of appeasement on both sides.

Already the effect of the emergence of the super-weapons has been seen in the settlement of a dispute which, though it would not have led to war, was the cause of estrangement and hostility between the parties to it. The dispute was that relating to the British occupation of the Suez Canal zone. In the House of Commons on July 29, 1954, Sir Winston Churchill spoke of the ' tremendous changes ' which had made the old conceptions of defence ' obsolete, absolutely obsolete.' He spoke of ' the appalling developments and the appalling spectacles which imagination raises before us.' ' Merely to try to imagine in outline and to portray the first few weeks of a war as it would be now . . . would, I am sure, convince the House of the obsolescence of the base.'

This explanation of the reason for our withdrawal from the Canal zone would have carried more conviction, first, if the place to which we were withdrawing—Cyprus—had not been still nearer to the only conceivable source of attack, and secondly, if we were not proposing to re-activate the Suez base in war, as Mr Eden stated in the same debate that we were. The situation was not, therefore, as clear as it might have been, but the fact remains that in a super-weapon age the Canal zone would be a very vulnerable site for a base.

The super-weapons, kept in the background, may be, as has already been stated, a potent influence for peace. They would be such because war, if it came, would be such an unimaginable calamity for mankind. The possibility that this calamity may befall us is the price for which we have to buy a peace that is founded ultimately upon fear. Freedom from fear was one of Franklin Roosevelt's aspirations for the coming age. It will have no part in the age that is here in question ; rather, fear will be the foundation of the edifice of peace. Only the future can show whether the price is worth paying. Meanwhile, the possibility of disaster seems to be discounted by the man in the street. He remains singularly unimpressed by warnings of the wrath to come. He appears to believe in them and not to believe in them at the same time. Such things may happen, he seems to say, but not to me ; not perhaps to human beings at all. They may not be caught in the inferno. Possibly he is of the same mind as the French philosopher who said that no doubt there was a hell, but he believed it to be uninhabited. In no other way can one account for the public apathy in regard to Civil Defence. When the Home Office Mobile Column visited the present writer's urban district council offices in Surrey at the beginning of October 1954, the attendance was, according to the local newspaper, in addition to a few councillors and the office staff : three policemen to control the crowd (of which there was none), three or four neighbouring housewives, four press reporters, two small boys, and one dog ! The populace was simply not interested.

Behind the scenes there waits, we see, a menacing figure, while on the world's stage we play our accustomed parts. But why, some have asked, keep it in the background ? Why not make of the super-weapon, combined with air power, a positive and more prominent instrument for the prevention of war ? Why not try to kill aggression by warning any States contemplating it that the full strength of the peace-desiring nations, or at least of the United States and Britain, in that domain of warfare, will be used against them if they persist in their designs ?

The idea of an international air force charged with the mission of keeping the peace of the world is an attractive one. The present writer has himself played with the notion. A vision of a great base for such a force, on the

north side of the Shannon, near what has become the international civil airport there, was much in his mind at one time. It was from that region that the ' Wild Geese ' took flight after the siege of Limerick in 1691. The most famous of them, Lord Clare's regiment, was mainly recruited there. It was a regiment of foot, not of cavalry ; Thomas Davis's song, ' Clare's Dragoons,' is fantasy. It covered itself with glory at Fontenoy and on many another field in the service of France. It was only natural that one who was born not far from the place and had heard stories from boyhood of the Wild Geese should dream of their returning to their ancient haunts some day: a new, strange brood of them, powerful on the wing. Thence they could help to inaugurate the golden age of peace that is to come. It would be a less vulnerable base than any English one.

It might, for instance, become the place of assembly of the air contingents which the member-States of the the United Nations have undertaken in the Charter to earmark for collective action. The Irish Republic, it is safe to assume, will be admitted to the United Nations at some time and will agree to the establishment of the base. So far it has not been possible to organise the combined forces contemplated in the Charter, mainly because of Soviet obstructiveness. The future may see a change in the Russian attitude to collective repression, but there is little sign of this as yet.

Meanwhile, it has been asked, why should not Anglo-American air power constitute itself the Saint George that will slay the dragon of war ? Why should not the United States and Britain use their powerful air forces and the super-weapons that are now available to rid the world of the plague of incessant strife ? Materially, it might be possible ; politically, it would not. Such a plan would not be tolerated by a world of sovereign and jealously independent States. There would be no authority in international law or practice for the exercising of such a hegemony. In any case, where would it stop ? How far would it go down the list of conceivable aggressions ? Most of them are petty. To stamp out most of them in such a manner would be like using a steam-hammer to crack a nut. Is every border foray to be visited with such punishment ? One cannot conceive the acceptance of a

peace plan proclaimed with the slogan: 'Be good, or we'll super-bomb you.' George Orwell's 'Big Brother is Watching You!' would not be more palatable to free peoples if two voices instead of one thundered the warning.

The cautious approach to the goal is the wise one. It is better not to be too schematic, too precise, to dot every 'i' and to cross every 't.' There was a good deal of common sense in a report which was prepared upon this subject by a study group of the Royal Institute of International Affairs and issued in September 1950. The value of the new weapons, said this report, lies precisely in the *uncertainty* in regard to their use and the doubt they cause in an aggressor's mind about whether, how, and when they would be used. This uncertainty, it was urged, should be maintained; any political statement defining the circumstances in which the weapon would be used would remove much of its deterrent value.* To keep the possible aggressor guessing is a sounder course than to provide him beforehand with a plan of counter-action which he may find some ingenious means of circumventing.

It was stated at the beginning of this article that the super-weapon age may be a short one. That is because all such weapons are already under sentence of death. It was pronounced upon them by the General Assembly of the United Nations in January 1946. It is still in force, the sole reason for the delay in execution being a difference of opinion between the Soviet Union and the other Powers in regard to the programme for carrying it out. This difference could not be resolved at the meeting of the sub-committee of the Disarmament Commission which was held in London in May and June 1954; there was no disagreement about the eventual prohibition of weapons of mass destruction, but the Soviet Union did not see eye to eye with the other countries (Canada, France, the United Kingdom, and the United States) in the matter of the actual steps to be taken to that end. The question was debated in the General Assembly of the United Nations in the following autumn, when Mr Vyshinsky showed himself not unfavourable to the Anglo-French draft which was proposed for consideration. This draft, as Mr Selwyn Lloyd pointed out on October 4, came some way towards

* 'Defence in the Cold War,' Chatham House, 1950, p. 44.

meeting the Soviet view in that it made specific provision for the total prohibition of the weapons of mass destruction as soon as the international control organ has been set up. The General Assembly agreed to a Canadian resolution for the reconvening of the London sub-committee in order that a further attempt should be made to arrive at a plan for the reduction of conventional armaments and the elimination of super-weapons. The sub-committee re-assembled accordingly in the winter of 1954–55 and some progress was made, but full agreement was still found to be unattainable. If the gap could be closed, and it is now not a very wide one, the views expressed in this article would have to be revised in some respects. There will be a sad awakening for some people from their dream of a golden super-weapon age to come, but that dream, they should remember, might have changed to a grisly nightmare if it had gone on. It is better that the sleepers should wake. Their dream has seemed to the rest of us to be too rose-coloured to be believable.

J. M. SPAIGHT.

Art. 8.—RACE RELATIONS AND THE LAW IN THE UNITED STATES.

I

On May 17, 1954, the United States Supreme Court, in a unanimous opinion delivered by Chief Justice Earl Warren, held that the states could not maintain public schools on a basis of racial segregation without violating the Equal Protection Clause of the XIVth Amendment to the Constitution. The mere fact of separating Negro pupils from white pupils, whatever the quality of the educational facilities provided, was held by the Court to be inherently unequal in that segregation 'generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.' It would be difficult to exaggerate the importance of this decision. In terms of law, the Opinion overruled a previous decision of the Court which for almost sixty years had constituted the governing principle of the Court's decisions in the field of race relations. The social importance of the decision may be summarily assessed in the knowledge that 17 of the 48 states, as well as the District of Columbia, required segregation in their public elementary and high schools, while it was permissive in four other states. Or, expressed as a percentage of the children concerned, approximately 40 per cent. were required to attend segregated schools. Finally, the decision was generally regarded throughout the world as marking an important advance in the affirmation of Western faith in democratic principle regardless of race or colour. I propose here to examine the historical background to this Opinion of the Court.

The 'Negro problem,' it should be remembered, was itself one of the great achievements of the nineteenth century. The idea that all men should be treated as men, assessed as individuals according to their personal worth, was not of course a novel one. But not until the nineteenth century was it possible to overcome the vested interests and powerful emotions which had grown up around the institution of slavery. Despite the price paid in human life, what Lincoln termed 'the bondsman's two hundred and fifty years of unrequited toil' were brought to an end. The Negro was freed, and the 'Negro

problem' began. So long as the Negro was held in slavery, the only sense in which there could be said to be a Negro problem was the danger of a sporadic revolt like the Nat Turner insurrection of 1831. Provided the Negro accepted his servile role and the whites were not seriously disturbed by the ethics of white supremacy, the situation was stabilised in a manner satisfactory to the agrarian interests of the South. But this equilibrium was always an uneasy one, since its basic premises so obviously conflicted with the assumptions of Americanism. Not indefinitely could men persuade themselves of the propriety of insulating an entire ethnic group from the rights and obligations inherent in the Constitution and the Bill of Rights.

The dilemma unhappily was resolved in war which in itself offered no final solution, as well as leaving the inevitable legacy of resentment. Nevertheless, emancipation deprived the South of initiative and left it permanently on the defensive. It is true that it did not take the South long to realise that, if it had lost a war, it had not necessarily lost the main battle. If, in defeat, the Confederates had to pay 'reparations' in the shape of the hated Reconstruction Amendments, the 'moratorium' was not long delayed. The decision of the Supreme Court in the Slaughter-House Cases, the Civil Rights Cases, and the Plessy Case were calculated to appease all but the most nostalgic of Southern traditionalists. Nevertheless, the South was never again to know the comparative stability of the pre-war age; and from the period of the first world war, the assumptions implicit in Booker T. Washington's leadership came increasingly to be rejected by Negroes even in the South.

II

Although the issue presented by race relations has generally been regarded, especially abroad, as the Achillean heel of American self-esteem, in fact, in the period since 1935 there is no field in which the Americans can more justifiably claim to have made steady advances. At a time when fear of Communism has created an atmosphere least conducive to the defence of civil liberties, official protection has been extended more generously than ever before to the Negro's claims to equity. That the paradox is more apparent than real will be seen if we examine the

reasons which have caused the Negro issue to figure so prominently in American politics of the last two decades. It is impossible here to do more than indicate the principal factors, which may be divided into three groups—social-economic, political, and educational.

(i) Foremost in the first group is the increasing mobility of the Negro himself, both within the South and from the South outwards to the North and West. The attraction of the North, where the Negro has at most to contend only with race prejudice proper, as opposed to the restrictions of the virtual caste system in many counties of the Deep South, is obvious enough. In fact, ever since the first world war, the Southern Negro has been moving steadily out of the South until to-day more than one-third of America's 15 million Negroes reside outside the Southern states. The pressure behind this movement has been the steadily increasing over-population of Southern agriculture, impoverished by a combination of such varied factors as the erosion of the soil and the boll weevil on the one side and foreign competition on the other. Moreover, the movement to mechanise agriculture even in the cotton field has gained momentum, especially in the last decade, transforming in the process the traditional hostility of the plantation owners to Negro emigration into an attitude of encouragement. If this outlet has provided a useful safety-valve for the strains of Southern society, it has also advanced the Northerner's education concerning his Negro neighbour. It has increased his sense of the urgency of the problem and strengthened his claim to put pressure on the South to take remedial action. With more than 5½ million Negroes outside the South, with nearly a half of those concentrated in some half-dozen of the most densely populated Northern cities, the latent tension inherent in the existing pattern of race relations is abundantly clear. And the North, unlike the South, has no safety valve.

In addition to the long-term demographic factors maintaining the Negro question close to the surface of the American political consciousness, there are a number of more immediate pressures, foremost among which is the improved status, self-confidence, and frequent militancy of the Negro himself. In the North, especially, leadership is to be found in a growing professional class, as can be seen from the estimate that more than 60,000 Negro

families come within the $5,000-plus income bracket. The agrarian remedial and welfare measures of the New Deal, administered on a federal basis without discrimination, did much to educate as well as strengthen the Negro masses. Even in the South, under the terms of the Agricultural Adjustment Act, Negroes were permitted to vote on such matters as the establishment of marketing quotas. The upheaval of the war, providing experience of the comparative equality of service in the Federal armed forces, and Roosevelt's deliberate policy of making war contracts conditional upon the absence of discrimination in employment, further enhanced the Negro's self-reliance and status.

(ii) Of recent years increased attention has been paid to the political repercussions at the national level of the peculiar status of the Negro. Growing popular awareness of this relation can be measured by the persistent criticism levelled at precisely those aspects of the political system which are most strongly buttressed by Southern sectionalism. The criticism is strongest among American liberals; and, of course, sectionalism in America is not confined to the South. Also, there are many, perhaps a majority, who believe that the principle of majority rule is susceptible only of partial and restricted application in a federal country. Where sectional interests are strong, fears are also strong that an invasion of 'states' rights' by a federal majority might result in the permanent denial of its due to a section outvoted at the national level. But there is an important section of the electorate which increasingly resents the frustration of its will as expressed at the polls. The phenomenon of Mr Truman returned to office on a Civil Rights platform in 1948, yet helpless throughout his tenure to implement that programme on account of Southern intransigeance, is not calculated to strengthen belief in responsible democratic government. Nor are liberals the only ones who show signs of restiveness under the yoke of the traditional American party structure. In 1948 and again in 1952 defections from the Democratic ranks in the South were of a size to suggest that even the determination of Southern conservatives to keep the Negro out of politics by preserving Democrat solidarity is beginning to yield to the ideological pull towards the Republican Party. In 1948, 29·7 per cent. of the Southern vote went

to the Republican Presidential candidate and 17·4 per cent. to the Dixiecrat; while in 1952 Texas, Oklahoma, Tennessee, Virginia, Florida, Maryland, and Delaware were carried by Eisenhower, with Kentucky and South Carolina trembling on the verge.

(iii) Finally, some account must be taken of the process whereby the nation has been consciously educated in its sensitivities on this issue. The increasing urbanisation of the Southern Negro has been accompanied by access to better educational opportunities, which in turn strengthen his pride and determination to claim his constitutional rights, wherever practicable. If the National Association for the Advancement of Coloured People is compelled to concentrate its strategy largely on invoking the protection of the law, that strategy has proved highly effective in achieving publicity and popular support. Important, too, as agencies of popular anti-discrimination education in their different spheres are the Roman Catholic Church and, more especially of recent years, Hollywood film producers, who have progressed from minstrels, black mammies, and Uncle Toms to the adulthood of films like 'The Well.' Moreover, total war levied on nations whose most noxious offence was an arrogant racism is apt to enhance sensitivity concerning the mote in one's own eye. Appeals to the coloured peoples of Asia and Africa to rally to the 'free world' against totalitarian nations who have admittedly made important strides in the field of race relations lose in persuasiveness so long as the American Negro remains an obvious victim of discrimination.

III

While it is true that private racial prejudice has, if anything, increased in the North and West with their growth of Negro immigration, the situation differs from that in the South in that government and the law are opposed to discrimination, and the Negro can much more easily invoke the protection of the law. No less than eighteen states outside the South, stretching from New York and Massachusetts to California and Washington, have enacted Civil Rights legislation. To anyone unfamiliar with the development of American constitutional case law, the very need for Civil Rights legislation might

appear a little odd. All states alike are bound by the Federal Constitution, and the purpose of the Reconstruction Amendments certainly appears to be that of guaranteeing complete racial equality in the eyes of the law. In fact, with the re-establishment of White supremacy after the Northern Reconstruction period in the South, the climate of opinion in the North veered round to one of conciliation. Southern Congressmen made it plain that if the South was resigned to Emancipation, the price of their co-operation was a willingness on the part of the Federal Government to tolerate the survival of the traditions of servitude in the South. Accordingly, the Supreme Court did no more than recognise the actualities of the current political situation when in the Civil Rights Cases it proceeded to invalidate the Federal Civil Rights Act of 1875, which had outlawed discrimination in accommodations, public conveyances, and public amusement places, on the grounds that the XIIIth Amendment related only to slavery and involuntary servitude. Already in the Slaughter House Cases it had given a decision interpreting the XIVth Amendment as protecting against hostile action by the states only those privileges, and immunities inhering in citizenship of the United States as distinct from those inhering in state citizenship. And fundamental civil rights were included in the latter category.

Important though these decisions were in weakening the Reconstruction Amendments sufficiently to permit Southern legislatures to enact a flood of Jim Crow statutes between 1875 and 1910, they were strictly negative in substance. They failed to provide positive legal sanction for an official segregation policy. This was finally provided in the Court's decision in Plessy *v.* Ferguson in 1896, which in the form of the 'separate but equal' doctrine established the legal principle which was to govern racial relations in the United States down to 1954.

In June 1892 one Plessy, of mixed descent ($\frac{7}{8}$ Caucasian, $\frac{1}{8}$ African), a citizen of the United States resident in Louisiana, having occupied a seat in a coach for white persons on the East Louisiana Railway, was evicted and imprisoned for violation of a Louisiana Statute of 1890, requiring railway companies carrying passengers in the state to provide equal but separate accommodations for the white and coloured races (excepting only 'nurses

attending children of the other race'). The case came before the U.S. Supreme Court from the State Supreme Court on a writ of error to test whether or not the Louisiana Statute conflicted with the XIIIth or XIVth Amendments. Mr Justice Brown delivered the Opinion of the Court; Mr Justice Harlan dissented. The following is a summary in dialectical form of the conflicting arguments.

A. The Louisiana Statute, implying only a legal racial distinction, does not tend to re-establish 'involuntary servitude' (XIIIth Amendment).

B. The XIIIth Amendment does not permit the deprivation of any right necessarily inhering in freedom. This statute is discriminatory, since its object is to keep 'the blacks' to themselves in transit.

A. Since segregation does not necessarily imply the inferiority of either race, there is no violation of the Equal Protection Clause of the XIVth Amendment.

B. Such a logic would provide equal justification for laws requiring whites and blacks to walk on opposite sides of streets or to paint their houses white and black respectively.

A. Every exercise of the police power must be 'reasonable,' as defined in terms of established usages, customs, and traditions.

B. A statute may be deemed unreasonable on grounds of public policy. The courts have nothing to do with policy or expediency. 'There is a dangerous tendency . . . to enlarge the functions of the courts, by means of judicial interference with the will of the people as expressed by the legislature.'

A. The securing of equal rights does not require the enforced commingling of the two races. Moreover, legislation is powerless to overcome social prejudices or to eradicate racial instincts.

B. The destinies of the two races are indissolubly linked and the common interest requires that 'the seeds of race hate' shall not be planted under the sanction of law. It is true that the white race is 'dominant' here. But '. . . in the eye of law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is colour-blind, and neither knows nor tolerates classes among citizens.'

The argument is seen to turn on two central questions: (i) Does *segregation in practice* necessarily entail

discrimination ? and (ii) Is it, in any event, wise to risk inviting evasion of and disrespect for law by legislating on grounds of abstract ethical considerations at issue with established emotions and customary practice ?

Professor Myrdal in his classic account of the conditions of the American Negro concluded that ' there is practically no single instance of segregation in the South which has not been utilised for a significant discrimination.' Certainly, so far as institutional segregation is concerned, it is evident that the provision of duplicate services of genuinely equal quality would prove financially burdensome, if not actually ruinous, even to a wealthy community. Institutional segregation is, in fact, still paid for by Negro deprivation, and often by reduced efficiency in services for whites also. The price paid by the Negro for segregation in terms of employment, education, residence, and social amenities has been amply documented. Apart from a small minority of professional and business people catering for the Negro, themselves isolated from their professional white colleagues, the vast majority of Negroes are confined to the lowest-paid and most unattractive jobs of an unskilled and menial character. Their educational opportunities are restricted in terms of fewer and poorer schools and colleges and in the lower stipends and educational qualifications of their teaching staffs. Residential segregation similarly confines them to the poorest accommodation even where it does not restrict them to the slum district. As serious as the material sacrifice, if not more so, is the psychological humiliation, isolation, and frustration which are the Negro's lot as he conforms to a Southern race etiquette, galling to sensitivity in proportion to educational opportunity. The ordinary man pursues his ambitions in a milieu calculated to stifle them; while those few who overcome the obstacles inevitably find their genius imprisoned in the race problem.

Although the patterns vary considerably in the South, too, according to the region and the status of the individual Negro, the Southern Negro must still be prepared to meet with segregation requirements in railroads, street-cars, buses, taxis; in hospitals, libraries, parks and playgrounds, public buildings, offices, places of amusement, hotels, restaurants, department stores, filling stations ; and in the provision of law enforcement services, medical and

mortuary services, relief and welfare services. Finally, he is discriminated against politically both in exclusion by white workers from labour unions and in the denial of the franchise. Here, too, the pattern varies according to the region ; but while only five states still retain the poll tax, Negro voting in the South is still the exception, and even where he does vote, he is normally excluded from the all-important primaries.

IV

'Law,' wrote Dr Charles S. Johnson, 'is only one of the agencies of social control, but it exercises the vital function of ensuring the stability and uniformity of customary practices approved by the dominant society.' It is, in fact, one of the most powerful of all educational media, especially in the United States. For if Americans are not the most law-abiding of peoples, few exceed them in their respect for the law as an institution. Moreover, it is common knowledge that the 'separate but equal' formula has been little more than a legal fiction enabling Southern legislatures to violate the spirit, if not the letter, of the Reconstruction Amendments with impunity. Finally, however difficult it may sometimes be to secure the enforcement of the law, for the Negro himself in his struggle to improve his status, the law constitutes his most effective weapon. American culture is grounded ultimately on civil equality and the rule of law ; and the Negro, knowing this to be the strongest weapon in his armoury, has properly concentrated his strategy on exposing the dilemma of the American conscience by manufacturing test cases justiciable in law. A brief survey of some important decisions of the Supreme Court in cases arising out of racial problems will show the measure of genuine protection of Negro rights afforded by the appeal to law. The increasing strictness of the tests concerning what constitutes equality demanded by the Court will also be apparent, as well as the gradual restriction of the field of permissible race discrimination. The following are the most significant fields in which Negro rights have been contested and vindicated : the ownership or occupancy of land, inter-state commerce, intra-state transportation, the activities of labour unions, the franchise, and the all-important field of education.

(i) While a state statute or local ordinance restricting ownership or tenancy of real estate on racial grounds was declared a violation of the 'due process' clause of the XIVth Amendment, the Court also held that as the Vth Amendment applied only to governmental action, restrictive covenants as between private individuals could not be held unconstitutional. Nevertheless, such agreements to be effective may require judicial enforcement, and in 1948 the Court held such enforcement to be a violation of the Equal Protection Clause of the XIVth Amendment on the grounds that judicial action, even for the enforcement of private agreements, constituted state action. The argument that discrimination ceased to be so if applied equally against both races was succinctly disposed of. 'Equal protection of the laws is not achieved through indiscriminate imposition of inequalities.'

(ii) In 1878, a state statute, prohibiting racial discrimination in passenger accommodations by public carriers, was invalidated by the Court, *in so far as* it affected foreign or inter-state commerce, on the grounds that the necessities of commerce demanded uniformity of regulations throughout the whole journey. This commonsense principle is, however, quite neutral so far as discrimination is concerned, and impartially applied could be used to uphold or invalidate discrimination in inter-state commerce with equal justification. In fact, the principle of the Hall Case was cited in a 1946 Case to invalidate a state statute providing for segregration, in so far as interstate commerce was affected, but in other cases where the precedent would have resulted in the upholding of segregation, the Hall Case was in each instance distinguished. So far as intra-state transportation is concerned, the Plessy precedent still governs, but the notable feature of the Court's decisions in this field has been the increasingly strict interpretation by the Court of the equality requirement in applying the 'separate but equal' doctrine, and in denying railroad justification of unequal accommodation on grounds of the small volume of Negro traffic or the infrequency of demand for such facilities.

(iii) Participation in Labour Unions has proved another field in which discrimination has been practised against Negroes by their fellow workers, and in recent years the Court has established two important principles governing

Negro rights in this respect. First, it has upheld the validity of state civil rights statutes, prohibiting labour organisations from discrimination in the admission or treatment of members. And second, where a labour union is, under Federal statute, the exclusive bargaining agent of a given group of employees, the Negroes, who are members of that group but ineligible for union membership, may not constitutionally be deprived of rights that they previously enjoyed.

(iv) The immunity of the franchise from racial discrimination rests on the XVth Amendment, but this does not preclude a grant of discretionary authority to officials, under which the rights of coloured voters among others may be abridged. The fact that such grants may be abused does not render them a violation of the Equal Protection Clause of the XIVth Amendment. On the other hand, exemption of white voters from literacy tests under the ' grandfather clause ' was held to violate the XIVth Amendment. Further, any state statute depriving Negroes of the right to vote in party primaries, or conferring the right of exclusion on every state executive committee of every political party, is void under the XIVth Amendment. The decision upholding the right of the Texas Democratic party to exclude Negroes from primaries on the grounds that it was not an agency of the State was expressly overruled in 1944 on the grounds that the slightest statutory recognition of the primary system renders the party primary a state agency. In 1953 exclusion from a ' Jaybird ' all-white pre-primary in Texas was held to violate the plaintiff's rights under the XVth Amendment, although the judges split on the issue as to whether action by the ' Jaybirds ' constituted state action. Nor can it be said that these prolonged guerrilla tactics with the courts have resulted merely in a series of formal legal victories. It has been estimated that by 1950 there were more than a million eligible Negro voters in the South.

(v) In the educational field nearly forty years were to elapse before a case arose in which a Negro plaintiff relied upon the Plessy doctrine to obtain relief from discrimination in education. Then in 1935 the Maryland Court of Appeals ordered the admission of a Negro to Maryland Law School on the grounds that law scholarships to out-of-state institutions could not be considered equal to admission to

a state law school. In 1938 the U.S. Supreme Court established the principle which led to the opening of the graduate schools of Southern universities to Negroes. Where the Maryland Court had measured the state facilities provided and found them wanting, in the Gaines Case, the Supreme Court held that while the provision of out-of-state facilities might mitigate the inconvenience of discrimination, it was irrelevant to the issue of discrimination itself. When a state provides services, it must do so on the basis of equality of right. The equal protection of the laws is ' a pledge of the protection of equal laws ' (Yick Wo *v.* Hopkins (1886), 118 U.S. 356).

There followed three similar cases, in all of which Negro rights were vindicated, although still within the framework of the Plessy doctrine. Miss Sipuel was ordered to be admitted to the University of Oklahoma Law School; G. W. McLaurin, admitted to the University of Oklahoma ' on a segregated basis ', was held to have been deprived of ' his personal and present right to the equal protection of the laws '. The third case differed in so far as it was the first in which the N.A.A.C.P. lawyers questioned the validity of the Plessy principle. The Court, in fact, found no need to consider the validity of this principle, since they ruled in favour of the petitioner on the grounds of inequality of the separate facilities. The case is important for the strictness of the criteria of equality applied. The late Chief Justice Vinson, delivering the Opinion of the Court, required the assessment of equality to include such qualities as ' reputation of the faculty, experience of the administration, position and influence of the alumni, standing in the community, traditions, and prestige.' Plessy might still stand, but so rigorously interpreted it could scarcely be relied upon to vindicate any degree of segregation.

V

From the evidence of the courts alone, it was clear that the climate of American opinion was no longer one prepared to extend toleration to the half-century-old formula of ' separate but equal ' as the touchstone of equity in race relations. And the judicial decisions were paralleled, by mounting political pressure. Even if the Southern Democrats in Congress could still frustrate Truman's

legislative proposals to extend federal protection of minority civil rights, the recommendations of the Presidential Committee on Civil Rights in 1947 represented a challenge to the nation that could not be ignored. The Committee condemned the ' separate but equal ' doctrine on three counts : inconsistency with fundamental American egalitarianism ; failure to secure equality of facilities in practice ; and the erosion of civil rights through the enforcement of artificial barriers between fellow citizens. In 1948 this recommendation was implemented in an Executive Order of the President requiring equality of treatment and opportunity regardless of colour throughout the Armed Forces.

The South has not remained impervious to this mounting pressure. On the contrary, fearing nothing so much as the threat of educational integration, yet sensitive to non-South opinion on the issue, it chose to rest its case on the equity of the Plessy doctrine. To do so with any hope of carrying persuasion, it was essential to give some substance to the claim that separate facilities could be made equal. The extent of the material progress to this end in the period since 1940 is impressive, and has been documented in a Ford Foundation study of the ' structure of bi-racial education '. In matters of school expenditure, capital outlay, teachers' training and salaries, school attendance, and libraries, giant strides have been made throughout the South in a desperate endeavour to equalise conditions so far as educational facilities are concerned. Mississippi, for instance, the poorest state in the Union, with a *per capita* income approximately 38 per cent. of New York's, with a Negro population almost equal to its white population, is not only spending a higher percentage of its income than New York on education, but in 1952 spent 38 per cent. more on capital outlay per Negro pupil than on its white pupils. In the thirteen Southern states in 1952 current expenditure on Negro education was estimated at 70 per cent. of that devoted to whites, whereas in 1940 the corresponding figure was only 43 per cent.

Impressive though these figures are, the tragedy is that they reflect the determination of the South to perpetuate segregation of the races, albeit on a more equitable material basis than hitherto. If in the border states and in the District of Columbia some measure of integration has

already been achieved, at the other extreme Georgia, Mississippi, and South Carolina are as a last resort prepared even to abandon the public school system rather than accept the consequences of integration. The Southern brief is amply documented with statistics showing enormous discrepancies between white and Negro children in the South in I.Q. and literacy ratings, and in the incidence of illegitimacy, venereal disease, and tuberculosis. The facts are challenged by neither side. For these statistics not only explain the intense fears aroused in white parents by the prospect of integration; they also furnish a damning indictment of the consequences to the Negro of segregation policies. The moral issue is clear enough, but the conflict with immediate interests renders it a painful dilemma. How the Supreme Court proposes to implement its historic decision is not yet known (April 1955). Without actually compromising the integration principle, the Court may be expected to appease Southern opinion so far as possible by fixing a generous time-limit for implementation and by permitting the Federal District Courts a wide discretion to take local conditions into account in administering integration programmes.

R. V. SAMPSON.

NOTE.—Limitation of space has prevented citation of law-cases discussed.

Art. 9.—DEAD-END AT VICHY.

Histoire de Vichy 1940–1944. By Robert Aron. Paris: Arthème Fayard.

It should now be possible to view the career of the Vichy government of France during the German occupation with understanding. And understanding is desirable because it means not so much insight into political folly as sympathy with the disappointment of human hopes. It should now be possible to see that the passions which the very existence of the Vichy government stirred up were peculiarly irrational. At no moment did that existence affect the issue of the war one way or the other. In the second half of its career the government had less and less independence of action and passed more and more out of touch with popular French feeling. The Western allies wrote it off (though without recognising General de Gaulle till much later), and when it was at last suppressed by the German authorities on August 20, 1944, by the forcible removal of its head, Marshal Pétain, there was none to mourn its passing. But that cannot justify condemning the men who were members of it or everything indiscriminately that they did.

It must never be forgotten that the Vichy government was legally constituted, that it stayed on French soil primarily in order to shield the French people from the extreme rigours of an occupation, and that, both in concluding an armistice and in not emigrating, it had the almost unanimous support of that same people. So much being borne firmly in mind, it becomes clear that the men who agreed to serve in it were sacrificing themselves, and the longer they continued to serve the more certain their sacrifice became. No doubt the more prominent seized the opportunity of trying to impose on their fellow countrymen measures and a policy which each thought good for them, but that does not alter the fact that they were courting odium from the start, and, as it turned out, much worse. For the end of Vichy would have been bad whatever the outcome of the war. It would have been bad if Germany had won. The government was one foredoomed because of the conditions in which it took office. Not

only was it given the direction of affairs in the hour of humiliating defeat, but it had to go on trying to direct them while on either side the war went on and assumed new proportions. It was bound to 'collaborate' with the momentary victor. It was bound to take out a double insurance against the still undetermined triumph of one side or the other. But what seems to me most illuminating is that, owing to improvisation and lack of agreement, unconcerted policies were simultaneously being applied and came into conflict and thwarted one another, so that good intentions were repeatedly stultified.

This may now be the better seen thanks to the appearance, in one volume of no more than 750 pages, of a comprehensive picture or panorama of Vichy that unrolls from the origins all the way to Marshal Pétain's surrender to General Koenig at Vallorbe, on the Franco-Swiss frontier, on April 26, 1945. Hitherto the available information about Vichy was fragmentary and had to be pieced together with vital gaps. But now M. Robert Aron (not to be confused with M. Raymond Aron) has bridged those gaps, and, while earlier memoirs and commentaries will still be required to refer to as a check, has made it possible for Vichy to be viewed as a whole. He has indeed written a remarkable book, worthy of all the trouble which he and his assistant (Georgette Elgey) lavished on the collection of material. He has been able to draw on much unpublished matter—reports of trials, reports on cases where no trials were instituted, and personal memoranda—and also on interviews with and letters from surviving participants in the Vichy régime. He has not only marshalled a mass of facts with exceptional clarity; he has also striven to be objective and fair. That is the more creditable as Jews were singled out by Vichy for harsh treatment and that M. Aron is of course a Jew; and also that he passed the latter part of the war at Algiers (where he founded the monthly review 'La Nef,' which since the end of 1945 he has edited in Paris), so that little or nothing of what he narrates can he have known at first-hand.

M. Aron shows that in France during the German occupation no fewer than five distinct policies were being pursued. The fifth was that of the armed Resistance in the country at large, which, considerably before the end, had its representatives in official posts at Vichy. The

four others were pursued at Vichy from the beginning. The five were mutually incompatible, but all were resorted to for an objective which was a mirage, the very illusoriness of which caused it to be pursued in a plurality of conflicting ways that were bound to thwart one another. The objective was common to both Vichy and de Gaulle. When the rival activity of the armed Resistance arose, it was pledged to the same end and equally powerless to attain it. Only in having that common objective were all Frenchmen united. All their political conduct from June 1940 to May 1945 and later was part of a desperate effort on their part to obliterate the ignominy and humiliation of the defeat. The means they adopted were the means recommended by conscience, and hence all were patriots, and there were no traitors; for, as Léon Degrelle, the Belgian Rexist leader, remarks in his suppressed book, 'La Cohue de 1940,' although patriotism since the defeat of France has been treated as though it were a matter of chance, it is in fact a matter of conscience, and hence should be left to conscience.

One way in which it seemed at Vichy that the personal shame of a military defeat would be exorcised was through a renewal of political and social institutions. Thus the collapse and humiliation of the French people might turn out to be a blessing in disguise. From their failure and shame the people would arise purified and armed with new strength and purpose. There was to be, that is to say, what was called the '*Révolution nationale*.' How did this come to be thought of? Since 1946, when the social and political structure of the Third Republic was restored in its entirety with but minor modifications, it has been difficult to recall that between the wars there was much dissatisfaction in France with the existing political régime and that a ferment of theories arose for bringing about a radical political transformation. There were not only the well-known movements led respectively by Colonel de la Rocque and Jacques Doriot; there was the *Action française* of Charles Maurras—nationalist, monarchist, anti-democratic, and anti-Jewish—and a host of smaller, semi-obscure groups with theories of reform often elaborated in detail. I named a few of those groups in my book, 'News of the French' (1938). M. Aron is very enlightening about them, which is to be expected, as he

shared the leadership of one. His group and the group whose organ was the monthly review 'Esprit' condemned Vichy from the outset. But men representing at least six other groups went to Bordeaux and played a part in promoting the *Révolution nationale* after first converting Marshal Pétain to acceptance of the name. The chief of them was Raphael Alibert, a former professor of constitutional law, whom Pétain knew and who became Vichy Minister of Justice for about six months. His intention, according to M. Aron, was that the *Révolution nationale* should combine the institution of respect and appreciation of the dignity and integrity of the human person with the decentralisation of government, emphasis on the family, and the revival of trade guilds.

In practice, as will be seen presently, the *Révolution nationale* was mainly repressive. The measures taken in its name against Jews, for instance, were in no sense an aping of Hitlerism; they were inspired by the anti-Semitism of the *Action française*. Moreover, it was an experiment that could not possibly succeed: the conditions of the time were against it.

That of the five distinct policies being pursued in France at that period to be mentioned second is the policy of Laval. If Alibert was devoid of political experience, Laval had a superabundance of it. Yet Laval's policy was equally lacking in realism. From the moment he reached Bordeaux in June 1940 he behaved as though his great hour had come. He had not welcomed the war. He considered that it need never have been begun. Britain was to blame, and in particular certain English politicians who were close friends of his political adversaries in France. Had Britain not made the League of Nations impose sanctions on Italy in 1935 and so prevented him from concluding a Franco-Italian alliance, driving Mussolini instead into the arms of Hitler, the war might, he considered, never have come about. Another thing was that Britain seemed to him, by continuing the struggle, to be inviting the end of the British Empire. His pride as a Frenchman compelled him to feel that if the German Armies had defeated the French they must indeed be invincible, and that nobody else would be able to stand up to them. Hence the sole hope for France was, in his opinion, that he should persuade the German leaders of the value and

importance of France in that New Europe which Hitler was promising to erect. To that end Laval was determined that Germany should be offered every possible French assistance.

But other men at Vichy, although they lacked Laval's almost hypnotic power of getting his way, wanted nothing of the kind. The policy which they thought that the Vichy government ought to pursue was one of opposing and evading German demands, of standing on the letter of the armistice convention, and of generally being obstructive. Thus Paul Baudouin, who became Vichy's first Foreign Minister, François Charles-Roux, the secretary-general of the Foreign Office (and now head of the Suez Canal Company), and General Weygand opposed Laval's appointment to office at Bordeaux. While not yet a member of the government, Laval sought in Paris the ear of someone who could put him directly in touch with Ribbentrop, Goering, or Hitler himself, and thus he came upon Otto Abetz. After first he alone and then Pétain and he together had had conversations with Hitler at Montoire, he could no longer be denied the Foreign Ministry. But thereupon he was soon opposed by M. Yves Bouthillier, the Minister of Finance, and by at least nine other ministers or officials. M. Bouthillier states in his memoirs * that it was he who took the lead of urging Marshal Pétain to get rid of Laval, and to appoint Flandin to succeed him.

Marshal Pétain may be said to have pursued a fourth policy, neither that of Alibert nor that of Laval nor that of the resisters to German demands and exactions, but one of his own. It is not easily defined; for Pétain was both cautious and secretive. He was bent on not antagonising either the former ally of France across the Channel or the United States. He was equally anxious, as has been said, to alleviate the lot of the French people. It was for the sake of the second objective that Laval seemed likely to be helpful. Pétain did not like Laval, but he could not repress his admiration for the skill with which Laval persuaded the two chambers of the French Parliament in July 1940 to vote by an absolute majority their own dissolution and the transfer of full governing powers to Pétain himself. At the same time as Laval was accordingly

* 'Le Drame de Vichy' (Paris, 1949).

being left free to obtain what he could, Pétain was trying to obtain from Great Britain some slight relaxation of the blockade in favour of unoccupied France.

As to the fifth policy which was being pursued in France —all that the armed Resistance did in the country at large had repercussions on Vichy's relations with the Germans and with the French people. The Resistance drove Vichy to be more repressive. Vichy was left with little choice when required to join with the Germans in punishing disorder. The sabotage, the ambushes, and attacks on banks and post-offices, the assassination of German officers in public places, led the German authorities to be more insistent and more exacting. Indeed, all five policies hampered and thwarted one another. Little was achieved by way of the *Révolution nationale*, owing to the pre-occupation of Laval and others with collaboration and the determination of other ministers at Vichy to obstruct the Germans as much as possible. While Pétain wanted the French people protected, the struggle between collaboration and non-collaboration resulted in the aggravation of hardships and privations.

Collaboration with Germany there had to be. The Germans were the masters. Vichy cannot be reproached with having collaborated; it may only be accused of having given the seal of official approval to collaboration. The remarkable feature of Franco-German relations to begin with was the success of French refusals to meet German demands. For instance, while Paul Baudouin was still Foreign Minister, the German authorities asked for permission to instal military commissions in French Morocco and at Dakar. When permission was refused, there was no insistence. The scheme was dropped.

Vichy was perhaps given by such incidents a false notion of the extent of its independence. No sooner, however, had Laval been dismissed on Dec. 13, 1940, than it became only too plain that the German authorities were closely interested in the personnel of the Vichy Government. Étienne Flandin, another man in favour of opposing and evading German demands, was appointed in Laval's place. He imagined that he could reverse Laval's procedure. Instead of referring matters to Abetz in Paris, as Laval had, he tried to pretend that Abetz did not exist, and to deal instead with the Armistice Commission at

Wiesbaden. He soon found that the man who could be dropped was not Abetz, but himself.

In February 1941 he gave place to Admiral Darlan. Laval refers to Darlan in the book, 'Laval parle'—a selection of the notes he prepared for his trial. He says there that Darlan was more of a collaborator than he was himself. But not least of the curiosities about Vichy is that, owing to the interaction of mutually incompatible policies and points of view, a collaborator might at any moment be changed into a non-collaborator. Darlan, like Laval, did not like the English, and, like Laval, he was convinced in the spring of 1941 that Germany would win the war. In May he was invited to Berchtesgaden and Hitler persuaded him that France must either assist the German war effort or else be obliterated. So he promised that Germany should have bases in Syria and at Bizerta and Dakar. When he returned to Vichy to have his undertaking approved, he met with strong opposition, notably from General Weygand. He had understood from Hitler that for everything France did there would be a corresponding but unspecified return. He now readily agreed that the concessions which France should ask for in return for the bases ought to be made exorbitant. The price of the bases was deliberately put too high.

That was all very well from the standpoint of the French colonies, which were going over to de Gaulle and support of the British. But it was not any good to Germany. In April 1942 Laval returned to power. Soon Pétain relinquished certain of his prerogatives in Laval's favour. But Laval's efforts to make Germany appreciate France at what he considered to be her proper value were again unrewarded. Instead, he was confronted with what was to prove the most unpopular of all German exigencies. The German Gauleiter, Sauckel, informed Vichy that hundreds of thousands of Frenchmen were wanted to go to work in German factories. With the Anglo-American landings in North Africa in November 1942 and the extension of the German occupation to the whole of France, the scope of Vichy's activities became much restricted. Pétain now retained only the right to prepare a new constitution for the country. Nearly all else was left to Laval. But there was no longer so much that Laval could do. He still professed to believe in the German victory, on which

he had staked all. In June 1942, in a broadcast, he made the notorious statement afterwards to be brought against him—'I hope that Germany will win, as otherwise Bolshevism will be set up everywhere.' Yet his efforts to fit France for a leading place in Hitler's phantom New Europe were not succeeding. Instead he was thrust into a new part. He came to be concerned with saving whole categories of Frenchmen from being carried off to German factories. As M. Alfred Fabre-Luce says in his penetrating and entertaining book, 'Journal de la France,'* 'Thanks to the *Maquis*, Laval could tell the Germans that they were recruiting the Resistance by calling up workmen. Thanks to Laval, French workmen escaped being deported.'

The German plan to put Frenchmen into German factories naturally fostered the growth of the armed Resistance. Young men in particular preferred to take to life in the woods rather than go to Germany. The guerrilla warfare which the Resistance carried on against the Germans thereupon added to the administrative difficulties of Vichy. Sabotage, depredations, murders—the increase of these made the Germans compel Vichy to set up the *milice*, or field police, which earned such evil repute. The loss of contact between the government and popular feeling was accelerated. The composition of the government became mixed. As Germany's situation worsened, some of the extreme advocates of collaboration, such as Marcel Deat, were made ministers. Simultaneously members of the Resistance were being appointed to official posts.

Meanwhile Pétain continued to be ready to defy the Germans whenever the occasion appeared to him to warrant it. On Nov. 12, 1943, he drew up a law that was intended to provide for the recall of the legislature in the event of his removal from office. The Germans would not allow it to be promulgated. He nevertheless had the text of it circulated. Once again he had lived up to the nickname which German high officials had bestowed on him—'*Marschall Immernein.*' But such behaviour was bound to lead to trouble. A stiff letter from Ribbentrop was followed by the appearance at Vichy of the diplomatist, Renthe-Fink. Henceforth Pétain was to be kept under direct supervision. The move was the prelude to the suppression of Vichy that

* Geneva, 1946.

followed upon the advancing liberation of the country by the Anglo-American forces after the landings of June 1944.

Nobody, as I have said, mourned its passing. Does that mean that nothing is to be placed to either its debit or credit ? On the contrary, between July 1940 and August 1944 both harm and good was done at Vichy.

The harm began with that *Révolution nationale*, which seemed the most ambitious and the most hopeful of Vichy undertakings. Although Alibert lasted in office but about six months, the evil that he did lived after him. As I have said, the *Révolution nationale* was in practice altogether repressive. A charter of labour was drawn up, under which trade unions were going to be abolished. This was only prevented because René Belin, the former assistant secretary of the General Confederation of Labour who became first Minister of Industrial Production at Vichy, got wind of its contents in proof. The incident indicates how the whole structure of social and economic life was on the way to transformation without the least preliminary attempt to enlist popular support. If the effort to revive trade guilds left agriculture independent, it brought industry completely under state supervision. Heavy handicaps were imposed on persons recently naturalised and on Jews. As time went on, the treatment of Jews grew more harsh. Some far-reaching laws were made retroactive. No more striking lesson than is afforded by all this could have been given in favour of not abolishing or even of suspending democratic institutions in France.

In addition, at an early stage in the career of Vichy it was decided to seek scapegoats. If Marshal Pétain was condemned after the end of the war to years of contumely, this was perhaps owing neither to his having asked for an armistice nor to his having engaged in ' collaboration.' The Vichy government perpetrated deeds against which a glance at Machiavelli's ' Il Principe ' could have warned it. General de Gaulle's military rank was proclaimed forfeit and he branded a traitor. Then, in 1942, by means of a peremptory decree followed by the majesty of an ostensible process of justice, former prime ministers and the former chief of staff, General Gamelin, were pronounced guilty of having failed to put the country in a state to wage war, and they were cast into prison. It is not surprising that by 1942 the Resistance also was making a mock of the normal

safeguards of justice by holding trials *in absentia* and returning verdicts and sentences upon persons unheard. An evil seed was sown, and the many trials which followed the liberation were the due counterpart of the sorry farce enacted in the courthouse at Riom. The French people had been bitterly divided, and they have not been made one again yet.

Fortunately certain positive achievements can be set against the black side of the record. The Vichy government did succeed to some extent in protecting the people, and it is there that the main merit may be said to lie. Within the first few months after the government's arrival at Vichy, all but 300,000 of the innumerable refugees who had fled before the German advance had been returned to their homes. Mass unemployment had been brought about by the sudden cessation of armament manufacture and by the disruption of the industrial and commercial machine, and this likewise was overcome within the same period. As I have said, agriculture too was given a cohesive organisation, and at the same time left independent of the state. Another item to the credit of Vichy is that it set out to recruit and train in secret a new army of 100,000 men, although, as Admiral Leahy points out in his book, 'I Was There,' it did not get far beyond the intention.

The German demands for labour were fatal to the building of a new French army in France. According to Laval's figures,* before May 1942 about 150,000 men and women had gone to Germany more or less voluntarily. Then, in May 1942, shortly after Laval returned to office, the Germans demanded 250,000 more workers. Laval prevaricated about supplying them, and further demands he likewise evaded or succeeded in reducing. As he says, between May 1942 and July 1944 2,060,000 workers were applied for, but only 341,500 actually left France. During the same period 110,000 prisoners of war were repatriated. Such an achievement on Laval's part is far from negligible. No other people of an occupied country got off so lightly. What Vichy did that was good neither hampered nor delayed the allied victory. That good could not have been done had the government not remained in France.

MONTGOMERY BELGION.

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* 'Laval Parle,' *op. cit.*

Art. 10.—SIDELIGHT ON INDIAN FEDERATION.

ONE of the major tragedies of the present time is the division of the Indian peninsula into two countries so estranged from each other as India and Pakistan, an estrangement which seems bound to continue, so long as the Kashmir dispute is unsettled. United, these two countries would have constituted a great power. Divided, their strength is dissipated in fruitless opposition, and their influence in the external world is correspondingly weakened. The plan for the federation of India contained in the 1935 Government of India Act would have preserved the unity of the sub-continent, and the failure to have pushed it through before the interruption of negotiations in 1939 by the war was therefore a calamity of the first order. For with the suspension of these negotiations went the last chance of averting the division of India, as the exacerbation of nationalist and communal feeling after the war rendered any future federal plan impossible of attainment. The reasons why they did not succeed, therefore, must inevitably be of considerable interest to the historian in view of the magnitude of the consequences that have flowed therefrom. If these had not been so lamentable, it would have amused the cynic to see how some of those concerned have endeavoured to disavow any share of responsibility for the failure, and to attribute the blame to others: for even the bitterest opponents of the federal plan now recognise its frustration as one of the great missed opportunities of history. As I was for a time closely connected with the federal negotiations in India, and the number of those still alive with inside knowledge of what transpired is small, I am writing what I know, before it is too late, in the hope of dispelling some of the misconceptions as to the cause of their failure that are current.

This is generally attributed to the opposition of the Ruling Princes; and it is true that some of the Princes were short-sighted enough not to realise that any alternative to joining the federation was likely to be worse for them; but to ascribe all the blame to them for the failure of the negotiations is, as I trust I can show, an excessive simplification. Mr Ghanshyam Das Birla in his book 'In the Shadow of the Mahatma' takes a somewhat different line and imputes it to the lack of belief in and enthusiasm

for the federal scheme on the part of Lord Linlithgow. He also suggests that the envoy sent by the Viceroy to conduct the negotiations with the States had no more enthusiasm for federation that Lord Linlithgow himself. This is a travesty of the truth, as Lord Linlithgow was a convinced believer in federation, and did his best to promote it; indeed his whole reputation as a statesman was bound up with making it a success. The reference to the envoy, who is named as myself, is also wide of the mark, as whatever defects I might have had as envoy, lack of enthusiasm for federation was not one of them; and in any case it attaches an excessive importance to the part I played, as I was but one of the *three* Special Representatives sent out by the Viceroy, and had left the federation work more than a year before the accession terms were made known to the States.

Lord Templewood, however, also seems to share this dim view of our Delhi activities, although he was no longer Secretary of State for India at the time, *vide* the following extract from his book 'Nine Troubled Years':

'Could we have pushed them (i.e. the Princes) harder? I have often asked myself this question. I suppose that if we had been living in 1800 we should have found no difficulty in bringing them into an All-India Federation. We should have directed on them the barrage of threats, honours, or rewards that had broken down the opposition of the Irish Parliament to the Union. The times, however, had changed, and we could not adopt the methods that Pitt had used with such determined purpose. Nor could we entice them into Federation on false pretences. Our aim was a real and not a paper Constitution. If they were not wise enough to see the advantages of a system that gave them security in exchange for some part of their sovereign powers, we could neither tempt nor force them. *None the less, I believe that if greater efforts had been made in Delhi to explain the advantages of Federation,* we could have obtained the voluntary assent of a sufficient number for starting the Federation before the war.'

Although such an opinion may be understandable as a natural reaction to his disappointment on the part of one who had laboured so hard in England as Sir Samuel Hoare to bring the federal scheme into being, and who is unlikely to be closely acquainted with what happened after he demitted office as Secretary of State, or with the sea-change that came over many of its Round Table Conference

supporters when they returned to India, it is a pity that it has been given currency now that Lord Linlithgow is no longer here to defend either himself or his officers. It is misconceived, moreover, as the adequacy or otherwise of the Delhi efforts to explain the advantages of federation played but a relatively small part in determining the outcome.

Philip Woodruff also, in his recent book, 'The Guardians,' indulges in a roseate fantasy of what might have been, had matters been better handled, and goes on to blame the failure of the federal negotiations on the Princes' own fault in neglecting the warning given them, on the clumsiness of the negotiating machinery, and on the insufficient ruthlessness of the instructions given to the envoys. He adds, 'It is difficult to resist the feeling that they (the Princes) had been warned in a voice so cold and impersonal, so muffled with historical exactitude and legal complications, that they were virtually invited to bargain and wait and stand out for better terms.' This surmise as to what happened is quite remote from fact. Records of these discussions exist, and presumably some day will be available for investigation, if the question still holds any interest. Lord Templewood's words quoted above make it clear that the British Government's intention was that the Princes should be induced to join the federation of their own freewill by convincing them of its advantages, so that no ground would be given to them for complaint that their consent had been forced. Ruthless pressure by the envoys would therefore have been quite contrary to this policy. It was clear enough at that time to every thinking person that no future plan for India was likely to give the Princes as good a position as they would get under the federal scheme, and the envoys did not fail to rub this in; but threats were no part of their armoury, and warnings of dire consequences would have consorted ill with recommendations to federate based on merits. In 1937 the envoys, unlike their present critics, had not the advantage of hind-sight, and an endeavour to frighten the Princes into federation by holding up their early elimination as the alternative to federation, would not have been justified. E. W. R. Lumby's chapter on the States in his book 'The Transfer of Power in India' gives a much more correct picture of the background to the negotiations.

The criticisms show, however, how little the objects and scope of the mission to the States, and the nature of the work involved before the States could be asked to accede, have been understood. Stated briefly, the primary purpose of the mission was to explain to the Rulers and their ministers the implications of the Government of India Act, 1935, and to endeavour to remove groundless misconceptions and misgivings: also to ascertain the nature of the limitations the States were likely to want in their Instruments of Accession, so that their justification might be examined in the light of the circumstances of the State concerned and the interests of India as a whole. In other words, the mission was primarily an educative and fact-finding one. Individual bargaining was religiously eschewed, as it would have been a quite impossible procedure, having regard to the multitude of States and the necessity of dealing with them all on the same basis of principle. *The envoys were therefore in no sense plenipotentiaries empowered to settle any issues, as many people mistakenly thought they were.*

When the federation plan was first mooted at the Round Table Conference, it was sponsored by all the States present. The account of its genesis given by Sir Mirza Ismail, in his book ' My Public Life ', is as follows :

> ' The Maharaja of Bikanir took the Round Table Conference by storm, when at its very first plenary session, he announced that the Ruling Princes were in favour of an All-India Federation. The British Government were greatly surprised, and so were many others. This is how it came about. At a meeting of the Ruling Princes and the Ministers from the States the previous day, I suggested that a declaration to this effect should be made at the Conference on behalf of the Princes. When I noticed some hesitation, I told the meeting that I would myself make the statement. This clinched the matter. The Maharaja of Bikanir who was then the leader of the States' delegation undertook to do it.'

None of the Rulers was perhaps very enthusiastic, but at the start, after this commitment, most, if not all, of them were resigned to the coming of federation as inevitable. During the long interval which ensued, however, before the actual terms of the Instruments of Accession could be framed, opposition gathered strength, and a

number of the Princes changed their minds for reasons which will be explained below. The one essential for success was to have driven through the federation of the States as soon as possible after provincial autonomy came into effect on April 1, 1937, before the new Congress Governments in the Provinces became firm enough in the saddle to turn their attention to disrupting the States. What Congress objected to in the federal scheme was the fact that the States representatives on the federal legislatures were to be appointed by the Rulers, as the allocation of the seats amongst the various groups was such that the presence of a body of State representatives, so appointed, might have prevented Congress ever obtaining control of these bodies, *vide* the abstract of the Seat allotment below :

Seats	Council of State	Federal Assembly	
Indian States	104	125	
General	75*	86*	105
Scheduled Castes	6*	19*	
Sikhs	4*	6*	
Muslims	49	82	
Women	6*	9*	
Anglo-Indians	1	4	
Europeans	7	8	
Indian Christians	2*	8*	
Commerce and Industry	—	11*	
Landholders	—	7	
Labour	—	10*	
Governor-General's nominees	6	—	
Total	260	375	

Even if Congress secured *all* the votes of the General and Scheduled Caste constituencies, and of the Sikhs, Women, Indian Christians, Commerce and Industry, and Labour, i.e. those asterisked above, which was approximately their outside limit, they still could not command a majority against a combination of the Muslims, Europeans, and Indian States representatives, unless the latter were diluted by a number of Congress adherents. Hence the importance they attached to this issue. It is inconceivable that the States would for long have maintained a solid phalanx of nominated members side by side with elected members from British India, but Congress had not the patience to wait for the inevitable effect of such symbiosis,

and started an intense campaign of disruption in a number of States, amongst them some of the best-run, e.g. Mysore, Travancore, Jaipur, and Jodhpur. The States had always been very doubtful of the efficacy of the protection available to them under the Act against internal subversive moments. The Rulers therefore watched with close attention how this protection was exercised in connection with their internal troubles, in the years 1937 to 1939, and one and all they were dissatisfied with the extent to which it was forthcoming. This caused a considerable revulsion of feeling amongst them, and some of the Rulers who had previously been willing to federate now wanted to resile. They argued that if the Governor-General had shown himself incapable of protecting them in the non-federal field, his would-be protection of them in the federal field after accession could hardly be expected to be more effective. This revulsion was accentuated, moreover, by the now active opposition to the federal scheme of Rulers like those of Bikanir, Dholpur, and Nawanagar. The Maharaja of Bikanir, perhaps feeling that he had been induced too readily by Sir Mirza Ismail into advocating federation, once he realised that under the scheme he would have the federal centre as his master in the federal field, while the Crown would still remain paramount in the non-federal field, i.e. that he would have two masters in future instead of none as he had anticipated, changed from being a supporter of federation into an active opponent. The Maharaj Rana of Dholpur was always a conservative, opposed to any change in the *status quo*, and did not realise how bleak the outlook was in the modern world for hereditary privilege, nor could he conceive that after the upheaval of the world war the Princes might be left by the British Government to sink or swim; while the Maharaja of Nawanagar, by reason of his position on the sea-coast, was opposed to any lessening of the advantages derived therefrom which federation might bring about in the case of the maritime States. All three therefore canvassed their brother Princes, including the Nizam, and endeavoured with some success to swing them round against federation. Some also of the Indian leaders like Sir Akbar Hydari, who had distinguished themselves in London at the Round Table Conferences by their support for the federal plan, showed themselves very poor advocates

of federation after their return to India, and devoted themselves rather to picking holes in the scheme embodied in the 1935 Act.

I have outlined above the opposition that those conducting the federal negotiations were faced with, and now turn to the question why the negotiations failed. I think all those concerned would agree that the main cause was the fact that the negotiations were not pushed to a conclusion at an earlier date, before the atmosphere of more or less passive acceptance changed to one of hostility. If so, the further question that arises is how far, if at all, the delay was avoidable, and I examine below the various causes that accounted for it. It must be borne in mind in this connection that in the period 1937–39 when negotiations were going on, the world war was still in the future.

It is true that some of the Rulers were unrealistic and endeavoured to obtain special concessions for which there was no justification ; true also that many of their proposed reservations were niggling or verbal, and some were preposterous, e.g. the case of one small, non-tribute-paying State, which demanded positive compensation for the loss of its relative advantage over other States as a result of the remission of their tributes under the 1935 Act ; but there was a residuum of points of substance, on which protracted argument ensued. It would be tedious to give a list of all these, but one or two examples will serve to illustrate the nature of the difficulties involved. In all federations finance is crucial. When the 1935 Act was framed, Customs duties and the Excise field, except for duties on alcoholic beverages, opium, hemp, and other drugs, were allotted as federal sources of revenue, as apart from Customs in the maritime States and Kashmir, these were then practically untapped in the States. But in the interval between the Round Table Conference and the passing of the Act, a Match Excise had been introduced and its proceeds distributed proportionately amongst the States. A Sugar Excise had also been introduced, and from small beginnings was now producing considerable revenues for certain States. It was naturally useless to attempt to persuade States to give up sources of revenue which they already enjoyed. In the case of the maritime States it had been intended, if possible, to buy out their Customs rights as valued on a definite date, but they were

not willing to give up a source of revenue which had expanded so greatly of recent years as a result of the increasingly higher duties, and it was difficult to meet their demands without serious injury to the federation. So for this reason it would probably have been the best course to have left this particular group of States out of the federation altogether, until with the lapse of time and the pressure of the counter-measures of the federation, they might have appreciated the benefit of being inside the federation, instead of remaining out of it.

Again it was assumed, when the financial basis of the Act was being settled, that Income Tax (excluding agricultural income) and Corporation Tax would be available to the federation, as States ordinarily raised their revenues by indirect taxation. This was true generally, but some of the more advanced inland States like Mysore already raised a considerable proportion of their revenue from these taxes, and to deprive them of this would have upset their budget equilibrium. The States concerned therefore pressed for the application of what was termed the *status quo* principle, i.e. that the federal taxation area only extended so far into these particular tax fields as the ground was not already occupied by existing State taxation; but the issue was a difficult one and took much serious consideration, as it involved according differential financial treatment to States which was not justified either by geographical position or treaty privileges.

Another of the most intractable questions was that of the protection of a State's rights and privileges outside the State boundaries. These were valued highly by the Ruling Princes, and some which were personal to themselves were given quite exaggerated importance. A few of them it might have been possible to buy out, but this was not true of most. Under the 1935 Act, the Governor-General and Governors were charged with a special responsibility for the protection of these rights and privileges; but the Princes distrusted the efficacy of this protection, as they took the view that the Governor-General might be over-influenced by British-Indian considerations; and they wanted legal protection by giving them the right to call in the Federal Court. As these rights and privileges extended outside the Rulers' own States this would have involved limiting federal jurisdiction possessed by the

federation irrespective of the accession of the State concerned, and this was contrary to the whole basis of the Act. Other less important issues occasioned a good deal of argument, but these were the vital ones that delayed so greatly the preparation of the draft Instruments of Accession until early in 1939.

There were also certain causes of delay inherent in the Indian administrative set-up. Relations with the States were exclusively controlled by the Political Department; and the other Departments of the Government of India had little interest in or knowledge of conditions in the States. This isolation or separation of the Political Department from the rest of the Government of India was accentuated by the fact that, unlike any other Department, its Member had always been the Viceroy, while under the new Act it was not even part of the Government of India, but a separate organisation altogether, under the Viceroy in his personal capacity as Crown Representative. For these reasons it was to a large extent outside the ordinary machinery of government, and as the other Departments were very busy with their own day-to-day affairs and not immediately concerned with the time-factor, it was difficult to stir them up sufficiently to deal expeditiously with the innumerable questions, both practical and theoretic, involved in federation. There was an illusion also, which prevailed for some time in quarters not closely in touch with the States, that time would work on the side of federation, as it was thought that the political disturbances then being fomented in the States by Congress must lead the Rulers to conclude that they would be safer under the federal umbrella. This was logical; but feelings rather than logic dominated the reaction of the Princes, and the effect was the exact opposite of such an anticipation. This belief, however, did not tend to accelerate matters.

There were other factors too of lesser importance; but unhappily they all affected things in the same prejudicial way. A legal adviser was sent out by the India Office in 1937 to help in the difficult task of drafting the Instruments of Accession of the different States, and of keeping their various reservations within the scope of the Act. The adviser was of opinion that amendment of the Act was a more suitable means of securing our more important

objectives than by squeezing them with difficulty into limitations on the Instruments of Accession. This would have simplified our procedure considerably, and we accordingly made our alterations on that basis; but for purely parliamentary reasons this procedure was rejected at home out of hand, and the work of several months to this end was largely wasted. Instead of expediting matters therefore, the course adopted had the reverse effect. Similarly the fact that in the later stages there was to some extent an overlap of function between the Political Department and the Reforms Office did not conduce to speed.

As the basis of the whole federal scheme was that the Ruling Princes were to be left to make up their minds themselves, free of any pressure, it is doubtful whether the personal factor played a serious part. Nevertheless the change of the Viceroy and of the Secretary of State for India, from Lord Willingdon and Sir Samuel Hoare to Lord Linlithgow and Lord Zetland, was unfortunate in this respect. For Lord Linlithgow, as a newcomer, had not the personal influence over the Princes which his predecessor had gained during his long service in India; while Lord Zetland could not be expected to have the same knowledge of the background as Sir Samuel Hoare, who had grown up with the scheme.

Even, however, if all controllable sources of delay had been eliminated, it would perhaps be unwarranted to assert that the saving of time resulting therefrom would have been sufficient to have changed the result. Nothing less than a year's acceleration of the presentation of the draft Instruments of Accession to the States would have been much good, as the opposition to federation amongst the Princes grew steadily during 1938; and, having regard to the complex structure of the Government of India, the relation of the Political Department to it, and the overriding authority of the Secretary of State for India, it may never have been practicable to expedite matters to the extent required. If so, the ultimate cause of the failure must be looked for in the nature of the 1935 Government of India Act itself, coupled with the decision not to bring any pressure to bear on the Princes. For so long as the Act permitted of a discretionary element in the extent to which the States would be required to federate, and this varied in some degree from State to State, the minimum

acceptable quantum of accession had to be worked out, with regard to the various reservations desired by the States, before the Instruments of Accession could be presented to their Rulers, so that no State would be admitted to the federation on unfairly easy terms. This in practice meant that the preparation of the Instruments of Accession had to be held up pending decisions on all the vital fiscal items, necessarily an extremely slow and tedious business owing to their intricacy and to the number of authorities concerned. It could not, moreover, be short-circuited, or the result would have been individual bargaining with each State, with all the undesirable consequences attached thereto.

To sum up, in my view the main causes of the failure of federation in order of importance were :

(1) The long interval of time that elapsed between the States' R.T.C. acceptance of the federal idea and the presentation to them of the draft Instruments of Accession.

(2) The onset of the war in 1939, which necessitated the postponement *sine die* of the federal negotiations before all hope of eventual success had to be given up.

(3) After their experience of the inadequacy of the protection given them against internal subversion in 1938–39 under the provisions of the 1935 Act, the apprehension felt by the Ruling Princes that the protection afforded to them under the Act in the federal field would also prove inadequate.

(4) Short-sightedness on the part of the Ruling Princes as to the advantages of federation compared with any practicable alternative.

(5) The policy of not bringing any pressure on the Ruling Princes to accede.

(6) The nature of the 1935 Act which gave scope for bargaining and consequent delay, at a juncture in human affairs when events outside our control did not permit of time to bring matters to the desired conclusion.

In the light of all these various contributory factors, it would seem unfair to lay the whole blame for the failure of the federal negotiations on the shoulders of the Ruling Princes, and still more so to suggest, like some of the critics, that the inadequacy of the efforts made by Delhi to explain the advantages of federation was responsible.

Neither the envoys nor the officers of the Political Department at headquarters could act beyond their powers, or outside their instructions.

As Mr G. D. Birla was one of the most important disciples of Mr Gandhi, and his chief financial backer, and as it was Congress opposition that did more than anything else to frighten off Rulers, it is hard to reconcile with this his regret at the failure of federation, although its eventual consequence, the partition of India, must have made even the most ardent Congress supporter realise how short-sighted was their former opposition.

Perhaps it was a counsel of perfection to expect acceptance of such a major change as federation on its merits without more forceful guidance than was given. As Lord Templewood has suggested, it would have been perfectly easy by making unjustifiable concessions on irrelevant issues to have overcome the reluctance of some of the States (indeed the representative of one important State gave me to understand that their objections would vanish like snow in summer if the Ruler were granted two extra guns in his salute), but this we could not do ; and so we have had the mortification of seeing one of the greatest constructive efforts ever made by British statesmen, and a plan that would have averted most of India's and Pakistan's present troubles, die still-born.

A. C. Lothian.

Art. 11.—THE JUBILEE OF THE NORWEGIAN MONARCHY.

ON a foggy November evening in 1905 the firing of a royal salute from the medieval fortress designed to protect the harbour of Christiania proclaimed to the eager citizens of Norway the righting of an ancient wrong. The formal election of Prince Charles of Denmark by the Norwegian Parliament had taken place that afternoon; his telegram of acceptance, announcing that he would assume the throne under the name of Haakon VII, had been read by the Speaker a few minutes before. Five and a quarter centuries had passed since the death of the last truly Norwegian ruler, Haakon VI, and apart from a brief 'false dawn' in 1814 the whole of this long period was spent in what seemed to latter-day nationalists the black darkness of an inferior status. But the accumulated grievances, which had caused the Norwegians to renounce their allegiance to the Swedish Bernadotte dynasty six months before, were not of a kind to make any foreigner's blood boil. To Englishmen in particular the interest of the whole affair lay in the fact that the successful candidate for the vacant throne was the husband of the King's youngest daughter, Princess Maud, and it was widely supposed that King Edward VII had been active on his son-in-law's behalf. The chapter on this subject in Sir Sidney Lee's 'Life' confirms the popular impression that, within due constitutional limits, there was a royal policy in this matter; its existence can even be traced in the relevant volume of 'British Documents on the Origins of the War, 1898–1914.' The Foreign Office would appear to have been less wholeheartedly pro-Norwegian than King Edward. In 1907, when it was proposed to salve Sweden's wounded pride by making her a co-guarantor with the Great Powers of the integrity of Norway, and the Norwegians objected, the Permanent Under-Secretary (Sir Charles Hardinge) writes to Nicolson at St Petersburg that 'They ought to be made to accept it as a solution of the whole question, but we, for dynastic reasons, are unable to apply the pressure required.'

The very words 'for dynastic reasons' have an old-fashioned ring, which may remind us that the creation of the Norwegian monarchy was the work of an era in which

democracy, even in parliamentary countries, had not altogether ousted dynasticism from the seats of power. In 1898 Sigurd Ibsen, the brilliant only son of the great writer and the most cosmopolitan Norwegian of his generation, warned his fellow countrymen that they must make a national monarchy the objective of their struggle: 'The republic would isolate us externally and split us internally.' Events proved him to be right. Yet only twenty years later, when the Finns emerging from their struggle for independence elected a German prince as their king, the effect was exactly the opposite. Finland was perhaps unlucky in its choice of prince, but the same thing is true of other cases. From the arrival of Prince William of Wied to hold court in Albania—aboard a warship in Durazzo harbour—in 1914 to the abortive proclamation of the Duke of Spoleto as Axis King of Croatia in 1941, no monarchy newer than the Norwegian has established itself successfully in Europe; and of those that are older only seven have survived the growths of régimes based, in name at least, upon the people's will. But it was a very different world in which Edward VII numbered ten reigning sovereigns among his kinsmen, and for *l'oncle de l'Europe* the matter of the Norwegian throne was only one among several almost competing interests: in the month of the Norwegian secession from Sweden a future King of Sweden was married in London to King Edward's niece, Princess Margaret of Connaught. In retrospect, however, the Norwegian monarchy is seen to be a unique memorial of the Edwardian era.

Norway has, then, the junior monarchy in Europe together with the senior monarch. Haakon was a king before Churchill was a minister. The only sovereign of a small state who has made a similar impact upon British public opinion, Albert of the Belgians, belongs to the heroic traditions of the First World War, overlaid in this respect by those of the Second: yet Albert was younger than Haakon. Longevity is an important attribute for kings. It lends weight to their counsels, as Bagehot clearly realised, and stability to a new throne such as nothing else can give. But to the Norwegian people the fifty years of King Haakon mean more than this. Their way of life is that appropriate to a small power, so they are never tempted to 'such boasting as the Gentiles use':

but the undercurrent of feeling with which they look back on the occasion of King Haakon's jubilee resembles that of the masses in Britain in 1887. The reign of Queen Victoria had spelt progress, prosperity, and national growth, and these are also the qualities which the Norwegian sees in the last fifty years of his country's history.

Judging by British standards—or, indeed, by those of medieval Norway—there has been no growth of empire. In 1919 there were a few bold spirits who hoped for an African colony or even a stretch of the Russian Arctic coastline to be allotted by the victorious Allies as compensation for the losses of the Norwegian mercantile marine. A much larger proportion of the nation was disappointed when the Permanent Court at the Hague disallowed her claim to East Greenland, based on medieval title and modern occupation. But the acquisition of Spitsbergen with its substantial coal deposits in 1925 and the big claim staked out on the Antarctic continent shortly before the outbreak of the Second World War had an important symbolic value for a people which had gained nothing during the whole period of the expansion of modern Europe. Far more important, of course, has been the continued growth of Norway's floating empire, her shipping, which has been termed 'the most international business in the world.' Long before 1905 this had been the determining factor in the national life: it is significant that Christian Michelsen, the coalition prime minister who rallied the nation in that year of crisis, was himself a shipowner and closely representative of Bergen shipping interests.

Since Norway cannot feed herself and has so far achieved only a limited industrial development, the rapid rise in the standard of living which has marked the last fifty years is known by the general public to depend primarily upon her success in the carrying-trade. The man on the quayside —a fair Norwegian equivalent for our man-in-the-street— is also keenly aware of the precariousness of that success. The merchant fleet had become of world importance as recently as the 1850's, when the repeal of the Navigation Acts threw open the trade of the entire British Empire and the Crimean War had given golden chances to an enterprising neutral. But this was a fleet of sailing ships, cheaply built of the native timber which had been familiar to Milton—'Hewn on Norwegian hills, to be the mast Of

some great ammiral.' The change to iron and steel construction, which meant much building in foreign shipyards, and to steam propulsion, which meant foreign bunkering, were two handicaps from which Norway was only just emerging at the time of the separation from Sweden. The year 1907 was the first in which Norway disposed of a larger tonnage under steam than under sail : the time-lag as compared with the British mercantile marine was no less than a quarter of a century. As a direct consequence, Norwegian shipping had gone down from third to fifth among the world's fleets. First and by no means least among the achievements of the new era was the fact that by 1914 France—with sixteen times the population of Norway—had been outdistanced and the fourth place regained. But the world wars were to present a far graver challenge. By 1918 Norway, a neutral, had lost one half of her ships : this was a higher proportion than had been lost by any of the principal combatants, who were her peacetime rivals in the carrying-trade. In the inter-war period the pre-war tonnage was not merely restored, it was exactly doubled : but of this much larger total the toll taken by the Second World War was, again, one half.

Unfortunately for Norway, the two post-war situations are not wholly parallel. The losses in 1914–18 were mainly of old ships, used as tramp steamers. The chance was taken to replace them predominantly with modern motor-vessels and to develop special lines, a fact which ought not to be forgotten in this country, since the vital part played by Norwegian tankers in the Battle of the Atlantic was declared by a British authority at the time to be worth the assistance to the Allied cause of an army of a million men. By 1950 the losses had been made good in quantity, but not in quality : in the words of the then Minister for Trade, ' It will take a long time to bring the fleet back to its pre-war level of efficiency.' Moreover, although the size of the fleet continues to grow, the latest figures (1953) show that it constitutes a smaller proportion of world tonnage than it did before the war.

Nevertheless a Norwegian looking back over the past fifty years must regard the positive achievement as astonishing. After two world wars and in an age of economic crises, finding expression in trade barriers and flag discrimination, a small country is still able to maintain a

gigantic mercantile marine, four-fifths of which trades exclusively between foreign ports. Of the vessels seen in home waters the multitude of trawlers represents a traditional export trade, 90 per cent. of the catch being sent abroad, but the largest are the whale factories—one of the most ingenious and important developments of recent years. It was indeed in the cardinal year 1905 that Norwegian pioneers opened up the new whaling grounds of the Antarctic: the Arctic area was exhausted, and here the quarry was, to begin with at least, found plentiful. But the Norwegian expeditions were now operating at the opposite end of the world from their home bases and had to pay for shore facilities, chiefly in the Falkland Islands Dependencies. By 1925, however, they had devised a new method, known as pelagic whaling, in which the huge carcase is hauled aboard and completely processed in the open sea and the product sold direct from the factory ship in the course of the voyage home. Other nations have followed suit, but Norwegian expertise still gives them the lead in this extremely profitable trade. Not only do they produce about two-fifths of the whale-oil, which is an important element in the world's strictly limited supply of fats; the British whaling fleet, which is the next largest, has for the most part Norwegian crews. The technicians among them are so well paid that little towns like Sandefiord and Larvik, from which the whalers traditionally come, at the right season of the year bear a temporary resemblance to a gold-mining centre or at the very least to Mr Ford's Detroit.

So far we have been considering fields in which Norway's recent progress, if spectacular, followed the lines of her earlier development. They were already a seafaring people and had even begun to hunt the whale of the Arctic when Othere described the life of the far north for King Alfred. The completely new feature in the national economy, almost exactly coincident with King Haakon's reign, is the spread of electricity. His state entry into his capital was, in fact, made the occasion for one of the first public illuminations from the new system on record: the result was said to be imposing, though it meant that the tramways were warned to close down by 7 p.m. in order to save current! Electricity has done almost as much for Norway as Lenin claimed that it would do for Russia. Her great

handicap had been the absence of coal : at the close of the nineteenth century Norwegian industry still used twice as much water-power as steam-power. Suddenly, as at the touch of a magician's hand, the rivers and falls which turned the old-fashioned water-mills became the source of a hydro-electricity supply which is potentially the largest in Europe. In fifty years a countryside which used to delight the English visitor by its primitiveness has become one in which comparisons are odious—even the byres and the hen-houses have electric light as a matter of course, while the ordinary domestic consumer pays an electricity rate, like our water rate, entitling him to burn a given number of kilowatts as constantly as he chooses by day and night. The effects on the national standard of life are obviously enormous. But it may well be the case that in the long run the implication as regards industrial development is still more important. For 1905 was also the year when Sam Eyde, perhaps the greatest of Norwegian entrepreneurs, founded the electro-chemical concern which has made the name of Rjukan world-famous. The aluminium and electric smelting industries followed, and the three together now constitute a serious rival to the ancient staples of fish and wood-products in the field of exports. Yet the resources of hydro-electricity which made it possible to build up these great new industries from nothing—every ounce of bauxite and alumina for the aluminium industry, for example, has to be imported—have been tapped so far to an estimated extent of only 20 per cent. of capacity.

The politician looking back sees the progress of the period more clearly in terms of social legislation. The first years of the new era were, indeed, largely consumed in the passing of highly controversial measures to exclude foreign interests from participation in future industrial developments. The foreigner was duly kept at bay, often at the cost of serious under-capitalisation of new ventures, and no source of electric power was allowed to escape permanently into private, even if native, hands. But there have been three distinct waves of social reform. The establishment of a Department of Social Affairs in 1913 marks the attempt of Johan Castberg to make the new Norway a leader in this sphere. But the extensive reforms, including an advanced policy regarding the treatment of illegitimacy,

which the Liberals brought forward under his guidance, were overlaid—as elsewhere in Europe—by those of a Socialist administration in the 'thirties. Apart from Professor Koht its dominant figures like Nygaardsvold and Trygve Lie, who became well known in this country in their period of exile here during the war, were trade unionists, as was their policy. The third wave of reform, launched in the ecstasy of the liberation in 1945, is still in progress. How shall we measure the results? It would be easy to quote instances, as the compulsion for the employer to give three weeks' holiday with pay, in which the Norwegian system is more generous, or at least more expensive, than our own. But it is equally easy to find contrary indications, such as the fact that 15 per cent. of population is still outside the scope of health insurance. But a Norwegian measuring the achievement of his country in the past fifty years might be well satisfied to see his own and the other Scandinavian states bracketed with Britain by an eminent British historian as having achieved what he calls an Anglo-Scandinavian Social Democracy, offering a real solution to the problem of class-conflict. 'This,' writes Dr Arnold Toynbee, 'might be described as a vaccine for giving immunity against the virus of Communism; and the efficacy of this West European preventive social medicine was certified by its irritating effect on Soviet Communist nerves.'

Enough has perhaps been said to show that, though the scale of events in Norway during King Haakon's reign is very different, the vista does in some degree resemble Queen Victoria's. *Mutatis mutandis*, there is also a resemblance to be noticed in the starting-point. For, in the passing of the complicated and threatening situation of 1905 the Norwegian public experienced the sensation of making a new beginning under altogether happier auspices, which was a not uncommon feeling in 1837 among those Englishmen who had been sufficiently acquainted with the sons of George III. This is not to suggest that Oscar II, who in 1905 was completing his thirty-third year on the throne of Sweden-Norway, bore the faintest resemblance to Victoria's heir presumptive, the Duke of Cumberland. On the contrary, King Oscar had inherited many of the qualities by which his grandfather, the great Gascon marshal, had won the two kingdoms; at the outset his

intention of reconciling them was proclaimed by his choice of motto—'The welfare of the brother-peoples.' Moreover, the quarrels which marred the reign, though frequent and persistent, were of so civilised and subdued a character, when judged by the standards of the outside world, that English Liberals from Gladstone to Grey continued to cite Norway as a happy illustration of what Home Rule would do for Anglo-Irish relations. Nevertheless, the 'new working-day,' to which Michelsen summoned his fellow countrymen at the end of the crisis of 1905, appeared to them as sunshine after storm.

The immediate occasion of the final quarrel was a long-continued dispute regarding a Norwegian demand, based on considerations of commercial advantage as well as of prestige, for a separate consular service. The administrative difficulties in organising such a service were serious; the Swedish authorities, who feared that the long-term result would be separate foreign policies and the dissolution of the monarchy, were from time to time obstructive; and in the background there was the comfortable feeling that Norway as the junior partner in the Scandinavian firm would not dare to withdraw without due notice given. The essence of Michelsen's action in 1905 was that he gave no notice. The King vetoed a Norwegian bill for setting up the consular service, whereupon the ministry claimed to resign and further claimed that no alternative Norwegian ministry could have been found by the King to take their place. On the basis of these two claims the Norwegian parliament declared that the royal powers had lapsed into its hands, reappointed the ministry, and itself exercised the attributes of sovereignty. It is perhaps fair comment on the purely legal aspect of the action to note that at the critical moment Michelsen suspended post and telegraph communications and an empty ballast train blocked the main line to Sweden, in case the King might come.

As with all cutting of Gordian knots, the legal quality of the action matters less than its effectiveness. In the case of Michelsen's *coup* of June 7, this was for several months in serious doubt. There was firstly the attitude of the Norwegian people, which might quickly cease to be (or at least to appear) unanimous as soon as the question arose of monarchy versus republic or of the claims of rival candidates for kingship. Closely related to this was the

problem of securing recognition by the Powers, which in those far-off days hoped that revolutions could be confined to Central and South America and would be quick to detect any signs of disharmony in the Norwegian ranks. Lastly, there was the almost universal disapprobation expressed in Sweden. The indignation of the Royal House and the old governing class, which had employed the threat of force against Norway with success in a similar crisis only ten years before, was clearly to be expected. But Branting has left it on record that among his Socialist following it would have been an easy thing to turn the thoughts of the majority into ardently nationalist channels. Military precautions were taken on both sides of the frontier : but the Norwegians, under a Defence Minister who had been as an observer to the Spanish-American War, were better equipped than they had been for a century. The coastal defence ironclads, which were still their main naval armament in 1940, had just been obtained ; the frontier zone was protected by two brand-new forts and others had been modernised ; and the small Norwegian army believed that it had a big advantage in its field-artillery-quick-firers of the latest German pattern. If a ' military parade to Christiania ' such as had been threatened in the past was no longer practicable, then it is unlikely in the extreme that the Swedes could have gained any permanent result by a protracted war against the ' brother-people.' But this was not of course so apparent at the time, and the tense situation, prolonged into the autumn, had two important results for Norway—an immediate humiliation and a lasting gain.

The humiliation was the now-forgotten Karlstad Agreements, signed after a serious deadlock on September 23. Although Michelsen's action in making the sudden breach with the Swedish monarchy had been endorsed by a remarkably unanimous plebiscite—an 85 per cent. poll of the electorate and a 2,000 : 1 majority—the Swedes not unnaturally denied the right of any number of Norwegians to denounce by unilateral action a union which had been ratified by identical legislation passed through the parliaments of both countries. On this point the Swedish wishes were met, inasmuch as it was now prescribed that, after the Karlstad Agreements had been ratified by both parliaments, Sweden would notify the Powers that the union

was at an end. Thus in the eyes of international law the reign of King Oscar in Norway was terminated, not by the breach of June 7, but by his renunciation of the throne, which was duly announced to the Courts of Europe in the last week of October. The deadlock, however, was not about this, but about the new Norwegian frontier fortresses, of which Sweden exacted the demolition. The details of the dispute are no longer of the slightest interest, except possibly for the fact that Izvolsky, then Russian minister in Copenhagen, played a part in securing pressure by the Powers to moderate further Swedish demands concerning the historic fortress of Kongsvinger. The upshot was the exclusion of Kongsvinger from the neutral zone which was established on both sides of the frontier. The Norwegian side of the zone has since been infringed by German, but never by Swedish, forces: but at the time Norwegians were bitterly resentful of a diminution in their defences which, if not very likely to tempt to hostilities, had been woundingly imposed by Swedish *force majeure*.

The lasting gain lay in the choice of a new Sovereign for Norway, which was shaped largely by the pressure of these events. The first possibility was that Norway might be assigned to a cadet of the House of Bernadotte. This was never an inherently popular proposal, but it had been fixed upon by Michelsen as a means of conciliating European opinion at the time of the breach in June. It was put to King Oscar in a parliamentary address, on which the voting was 112–5, and was never formally declined by him until he renounced the throne for himself and his family at the end of October. In the meanwhile a second name was briefly suggested, that of Prince Waldemar of Denmark, Queen Alexandra's youngest brother, whom both the Kaiser and the Tsar deemed most suitable, though his wife was a Roman Catholic of the House of Orleans. But the serious alternative to Prince Charles's candidature, which had been discussed in Norwegian circles as early as the idea of a younger Bernadotte and even announced in a London paper on July 16—was not to find some third Scandinavian prince but to proclaim the republic. Sigurd Ibsen, indeed, was not alone in urging the need to give the new Norway the monarchical stamp as a guarantee of its respectability in foreign eyes; but the expression of vague republican sympathies had been common form for many

years in the party of the Left and a romantic republicanism featured in the creed of its chief publicist, the poet Björnson.

Three things seem chiefly to have tilted the scales the other way. The protracted crisis showed more and more clearly the danger of Norway's isolation, in case she should be involved in an armed conflict with Sweden while still unrecognised by the Powers. To seat a son-in-law of King Edward on the throne of Norway was the surest means of ending that isolation : soon Prince Charles was being sounded to see whether he would agree to mount that throne if the country were already in a state of war. Secondly, arising out of the crisis there was a strong feeling of gratitude to the Michelsen ministry, which included only one ardent republican sympathiser : if they, who had achieved so much, proposed to complete their work by introducing a new monarchy, as they in fact did, it seemed ungrateful and harmful to national unity to resist. Björnson accordingly undertook the rôle of Garibaldi at Naples forty-five years before. Lastly, there was the wisdom shown by the young prince himself. In spite of King Edward's well-meaning promptings, he refused to go to Norway while Swedish policy (and consequently the attitude of his father, the King of Denmark) was still undetermined. Had he gone, he might well have been held responsible for Swedish intransigeance. When the situation cleared, he again showed astonishing foresight in carrying to all lengths short of an actual refusal of the throne his determination to be elected king, not by the ministry or parliament, but by plebiscite of his future subjects. The plebiscite, which therefore immediately preceded the formal election of the king by parliament, for which there was precedent, gave him a majority of 4 : 1 in a poll of 75 per cent of the electorate.

The complicated events of 1905 look forward as well as back. Besides marking the end of a quarrel which had latterly darkened the whole of the national life, the vote which translated Prince Charles into King Haakon gave on the personal side the keynote for the ensuing reign. He was actually chosen in the way in which the Emperor Napoleon III pretended to have been chosen, by a formal expression of the will of the people. The presumed will of the people therefore gave the new monarchy its characteristic

shape, which was from the outset far more democratic in tone than the Danish and English courts of which it was in some sense an offshoot. The absence of an aristocracy and of a traditional capital (for five centuries had elapsed since Christiania, as Oslo, had been one of the three successive capitals of the medieval kingdom), to say nothing of the modest dimensions of the Civil List, prevented the new King and Queen from figuring in any important way as leaders of society. The imposing mansion which King Edward induced the Foreign Office to buy for the diminutive British Legation is perhaps an indication of the foreign policy that we hoped to see established. If so, the money was wasted, for even in the stresses of 1914–18 there is no evidence that King Haakon exercised a pro-British influence upon his ministers' policies. On the contrary, in foreign and domestic affairs alike, the supposedly democratic restraints upon the King's personal intervention were so great that no Norwegian sees anything remarkable in the fact that within three years of his accession King Haakon's prime minister was Gunnar Knudsen, the intransigeant republican leader of 1905. Indeed, in a well-known Norwegian ' History of Our Own Times,' published in 1938, the King makes only one appearance : but that, significantly enough, was when he called his first Labour ministers to office without an overall majority in defiance of much prejudiced middle-class opinion.

But any Norwegian historian, having the events of the Second World War in view, must write very differently to-day. For it was then so clearly shown that what Norway had gained in choosing constitutional monarchy was a reserve of leadership, stored up through the years for a supreme emergency. German taunts which decried it as a pro-British leadership were wide of the mark : King Haakon's first venture in international affairs was a personal letter at the turn of the year 1939-40, in which he besought King George VI to exert his influence against any British policy which might bring Norway into the sphere of hostilities. This was about the time when the Germans began the careful planning of the onslaught which overwhelmed the Norwegian defences in the small hours of April 9, 1940. The leadership which the King then gave to his bewildered ministers ; his bearing in that

unhappy campaign ; his readiness to carry on the fight in exile ; the representative part he played in Britain ; and his triumphant return as the embodiment of liberation—all these are fortunately well known. He had fulfilled the idea of monarchy which Nansen stated in 1905 : ' The King more than anyone else should defend the national independence and honour. That is what he is king for. His honour and the people's honour are identical, save that he is its foremost guardian.' We have perhaps said enough to show that the comparison with Queen Victoria and her Golden Jubilee is less unreasonable than it seems at first thought.

T. K. DERRY.

W. S. C.: APRIL 5, 1955

He nothing feared : always his force contended.
He served Man's soul, with wit and courage blended ;
War he bestrode, embodying Britain's story :
He passes on in age and unmatched glory.

GORELL.

SOME RECENT BOOKS.

The King's Peace, 1637–41. Miss C. V. Wedgwood.

Georgiana. Extracts from the Correspondence of Georgiana, Duchess of Devonshire. Edited by the Earl of Bessborough, G.C.M.G.

Dearest Bess. The Life and Times of Lady Elizabeth Foster, afterwards Duchess of Devonshire. Dorothy Margaret Stuart.

The Decisive Battles of the Western World and their Influence upon History. Major-General J. F. C. Fuller, C.B., C.B.E., D.S.O.

The Old Turkey and the New. Sir Harry Luke, K.C.M.G.

Samuel Johnson. Michael Joyce.

The Foreign Office. Lord Strang and other Members of the Foreign Service.

The Battle of Crichel Down. R. Douglas Brown.

The Life of Jesus Christ. J. W. C. Wand, Bishop of London.

France, The Fourth Republic. Dorothy Pickles.

The English People on the Eve of Colonization, 1603–1630. Wallace Notestein.

China and the Cold War. Michael Lindsay (Lord Lindsay of Birker).

Correspondence of Emily Duchess of Leinster, Vol. II: Letters of Lord Edward FitzGerald and Lady Sarah Napier. Edited by Brian FitzGerald.

Great Britain and the United States. H. C. Allen.

Historical Whodunits. Hugh Ross Williamson.

Alexandre Dumas. André Maurois.

Hans Christian Andersen. Rumer Godden.

The Inexhaustible Sea. Hawthorne Daniel and Francis Minot.

Black Moses: The Story of Marcus Garvey and the Universal Negro Improvement Association. Edmund David Cronon.

The Shakespeare First Folio: Its Bibliographical and Textual History. W. W. Greg.

IN 'The King's Peace 1637–41' (Collins) Miss C. V. Wedgwood tells the story of gathering conflict leading to regicide and civil strife. That a people with genius for compromise appealed to ordeal by battle, emphasised the right which each side championed and challenged. She portrays the age with scholarship and charm. 'At least half the king's subjects derived their living wholly or partially from the sea.' 'The vulgar hake was still the Friday fare of the people.' 'Londoners were scandalised by seeing women on the stage.' 'A London regulation forbade wife beating after nine in the evening because of the noise.' 'In merchant counting-houses clerks used the abacus for sums.' And 'in almost every home of whatever kind everybody sang.' Charles holds the main picture. 'He was the most remote and sheltered of English kings.' 'No national danger compelled him to go among his people.' 'Alone of European princes he was served on bended knee and no lady of the court was allowed to sit in his presence.'

The state church which he loved was met by turbulently sincere hostility, to his divine right and to the ecclesiastical discipline of the 'Pope of Lambeth,' Laud. While subversive forces, political, religious, and economic, were gnawing at his majesty, in blind optimism he described himself to his nephew 'as the happiest monarch in Christendom.' After the fatal election 'in which both sides behaved with primitive dishonesty,' he was politically outmanœuvred by 'King Pym,' the principal architect of the constitutional revolution of the next eighteen months, and the secretary of the capitalist Providence Society. The crisis came on 'the marriage day of the nation with God' when Scots armed in defence of God, Covenant, and Country. Pym used rebellion in Scotland and in Ireland to secure the royal assent to the judicial murder of 'Black Tom Tyrant,' Wentworth, the only royal servant who could have saved royalty. Neo-royalists claim that Charles was the victim of financial and economic changes that gave his enemies unmerited power. They cannot justify his betrayal. Miss Wedgwood's easily borne learning freshens the period for scholars and enlightens it for Mr Everyman.

The Devonshire House circle has given material for many books, almost inevitably, as it was in many ways unique not only for the eminent people in political and social life who were to be found there but also for the domestic problems set by a ducal head of the family with his wife and his mistress (who was also his wife's dearest friend), with their various children, legitimate or otherwise, living together if not in perfect amity, at any rate without obvious disgust. This year has produced two more notable volumes on the subject '**Georgiana. Extracts from the Correspondence of Georgiana, Duchess of Devonshire,**' edited by the Earl of Bessborough, G.C.M.G. (John Murray), and '**Dearest Bess. The Life and Times of Lady Elizabeth Foster, afterwards Duchess of Devonshire,**' by Dorothy Margaret Stuart (Methuen). The two books must necessarily overlap to a considerable extent, but they are chiefly complementary to each other, treating the subject from different points of view and with different manners of presentation. To use a building metaphor, it might be said that whereas in 'Georgiana' her letters are the bricks while Lord Bessborough very skilfully and with

great restraint supplies the mortar, in ' Dearest Bess ' the process is largely reversed, the author supplying the bricks with her own narrative and the extracts from Lady Elizabeth's diaries supplying the mortar, and satisfactorily ample mortar it is, successfully framing the bricks. Lord Bessborough has been given full use of all Georgiana's own letters now at Chatsworth—and very revealing they are in showing, so to speak, the sackcloth under the cloth of gold.

Georgiana had everything from the worldly point of view : charm, beauty, wealth, wonderful homes, loving friends, association with all the eminent people of the day ; but all reduced to wormwood by her insatiable lust for gambling, and her huge debts, which she was afraid to confess to her husband (thus only making things worse as she forfeited his trust) and finally in her last years dreadful illness and agonies at the surgeon's hands. At her death the Prince of Wales said, ' There we have lost the most amiable and best-loved woman in England.' In both books the Duke comes out better than he is usually portrayed, ponderous indeed and phlegmatic, unfaithful, but not unkind nor ungenerous, and at times showing sympathy. It must be admitted that though far from impeccable himself, he had quite a lot to put up with. Both books are valuable for students of the period, and provide really good reading. Lord Bessborough, so to speak, allows Georgiana to paint her own portrait ; Miss Stuart largely paints Dearest Bess's portrait for her.

'The Decisive Battles of the Western World and their Influence upon History,' by Major-General J. F. C. Fuller, C.B., C.B.E., D.S.O., Vol. II (Eyre and Spottiswoode), might be called a drama of destiny, by an eminent military historian, showing that from the defeat of King Philip's ' Invincible ' Armada down to Wellington's victory at Waterloo, the fate of nations has turned on command of the sea and on the genius or otherwise of the respective leaders. The third volume, eagerly awaited, will include the strategic and tactical developments due to the rise of submarines and aircraft. Meanwhile we see the gradual change from the old chivalrous *buena guerra*, when war was ' the last argument of Kings,' down to the totalitarian ruthlessness of which Napoleon was the supreme exponent. His genius is so glowingly depicted that his final overthrow is the more significant.

Drake, Prince Rupert, Cromwell, Gustavus Adolphus, Marlborough, the Tsar Peter the Great, Charles XII of Sweden, Frederic of Prussia, Clive, Wolfe, Nelson, and others appear, with the causes and effects of their actions. Though perhaps appealing primarily to soldiers, this volume should be studied by seamen, statesmen, and diplomatists. It contains within itself everything necessary for the understanding of the persons, times, and circumstances.

In the Waterloo campaign what was exceptional was 'that the two most noted Captains of their age met in clinch for the first time in a war of twenty-two years' duration.' From this battle 'emerged the *Pax Britannica* which was destined to survive as long as British sea power and British credit retained their dominance. Actually they did so for a hundred years. During this century, though revolutions were frequent. . . . Europe enjoyed the most stable and prosperous peace she had known since the days of the Antonines.'

'The Old Turkey and the New,' by Sir Harry Luke (Geoffrey Bles), is a revised, amplified, and up-to-date edition of his 'The Making of Modern Turkey' published nearly twenty years ago, and its reappearance is welcome. The aim of the work is to trace the transition of Turkey from the cosmopolitan, international, comprehensive Ottoman Empire to the racially almost homogeneous, national Turanian Ankara Republic. It is interesting to find how much of the pomp, ceremony, and artificiality of the Byzantine empire the Turks, deliberately or otherwise, took over with the cosmopolitan Constantinople. The pull of the west remained strong until the wily and able old scoundrel Abdul Hamid II found that it did not pay and that his credit with western sovereigns grew less and less, and so he turned east. The process has continued more efficiently since, especially under Kemal, and the aim has been achieved of purging the body politic of the Turkish State of racial and linguistic elements that were not Turkish, to keep the stock and mind and speech of the nation purely Turkish, purely Turanian. The result is a Turkish Republic far stronger than the ramshackle Ottoman Empire ever was. The author is informative about institutions, law, language, religion, and customs under the old régime and the new. He writes with the

advantage of many years of personal experience and cultivated insight. The book is of real value to all interested in the Middle East.

In these days when there are so many very lengthy biographies (or autobiographies) of the not-very-great we can be grateful to Messrs Longmans for their series of short and concise biographies of the really great. Mr Michael Joyce, who contributed an excellent volume on Edward Gibbon some time ago, has now dealt with **'Samuel Johnson'** in a most satisfying manner. He sums him up well as 'that singular compound of the illustrious and the grotesque, of tenderness and truculence, of gaiety and black depression, of luminous good sense and rugged prejudice.' He was the Great Lexicographer, the Great Moralist, and the Great Cham of Literature, but he was very human, and at times, like many other humans, almost insufferable, especially in his verbal bludgeonings and his offensive table manners. Mr Joyce begins with a fair and discerning assessment of Boswell and his work. Then we have chapters on the various phases of Johnson's life, Grub Street, 'The Rambler,' the Dictionary, 'Rasselas,' the Club, Mrs Thrale, the Journey to Scotland, 'Lives of the Poets,' conversation and friends, etc. In 180 small pages we have a remarkably comprehensive and illuminating portrait, very helpful for those who want to know something about the great Doctor Johnson without ploughing through Boswell.

'The Foreign Office,' by Lord Strang and other Members of the Foreign Service, is a notable addition to 'The New Whitehall Series' published by Messrs George Allen & Unwin. It is pointed out that, though the title is used to be in conformity with the series, the subject is really much larger and deals with the whole Foreign Service, its nature and functions, its recent large growth, its organisation, recruitment, training, and conditions of service; the work of Diplomatic Missions in foreign countries, Consuls and consular establishments, delegations to International Bodies and life and work in the Foreign Office itself. Finally we are told about past and present diplomatic practice, qualifications desirable in members of the Foreign Service, present problems, and possible future trends. That is a large field to cover satisfactorily and without undue compression in about

220 pages, but Lord Strang and his collaborators have been eminently successful in producing, not without some dry humour, a human story and record, and not a dehydrated treatise. There is very good sense in the references to so-called secret and open diplomacy and conferences. 'It may certainly be sound democratic theory that everybody should have a say in everything, but it is certainly not sound practice.' Or again, writers 'have been unanimous in concluding that for the proper exercise of his profession the diplomatist requires very nearly all the known excellences of mind, of heart, and of person,' but in practice such paragons are very rare and the service must work with the material available. This excellent and informative work shows how good that material usually is.

'Crichelitis' has now been adopted into our language to describe over-developed and somewhat unscrupulous bureaucratic methods. A full and correct account of the origin of the term is therefore welcome. Mr R. Douglas Brown supplies this want with his **'The Battle of Crichel Down'** (Bodley Head), in which we are told the whole story, from the compulsory taking over of the land by the Air Ministry, through all the subsequent manœuvres of the Ministry of Agriculture and the Crown Lands Department, to the struggle for justice put up by Lieutenant-Commander George Marten and the public inquiry to the debates in Parliament and the resignation of Sir Thomas Dugdale. When one realises the number of different authorities in Dorset, Somerset, and Whitehall that the disposal of one farm had to go through, the wonder is that anything got done at all, even though what was done in this case was all wrong. Mr Brown tells his story well and clearly, though somewhat marred by personal gossip and journalism. Whether a witness was small and bespectacled or whether the Commissioner had a remarkable taste in waistcoats has really no proper place in a judicial consideration of an important, legal and bureaucratic case. Of that case 'The Times' wrote: 'The cruellest and most irresponsible maker of gibes against the arbitrary incompetence of bureaucracy could scarcely have invented Crichel Down.'

Messrs Methuen & Co. have added two very helpful and informative little volumes to their 'Home Study Books.' The first is **'The Life of Jesus Christ,'** by

J. W. C. Wand, Bishop of London; the second is '**France, The Fourth Republic,**' by Dorothy Pickles. The very different subjects of these two books show the wide range of the series.

Dr Wand can be trusted to deal with his subject in a clear, cogent, well-balanced, and broad-minded manner. He gives a lucid, factual account of Christ's life and examines his claim to be the Messiah. The early years, the environment, the ministry, the teacher, the growing popularity, then the growing opposition lead to the chapters on the Passion, the last days, the triumph of the Resurrection and final appearances on earth, and thence to a study of the cosmic Christ, the Messiah, and the incarnate Logos. The greatest story in the world, told thus briefly, without frills, with skilled study of the evidence and with deep devotion, will be helpful to many.

Page 1 of Dorothy Pickles's illuminating study of the French Republic begins ominously with the words 'the instability of institutions,' which, as she rightly says, is to British observers the predominant characteristic of French political life. The aim of the book is to give a concise picture of the political and economic framework within which the statesmen of post-war France have had to work, including the parliamentary system as seen by them, the political parties and the trade-union movement, the administrative and judicial systems, local government, internal and foreign problems, and a discerning study of the mind of post-war France. This book of about 240 small pages will be of real assistance to all who want to understand present-day France.

'**The English People on the Eve of Colonization, 1603–1630,**' by Wallace Notestein (Hamish Hamilton), is a 'comprehensive survey of the history of the United States from the days of the discovery to the mid-twentieth century.' The whole is to be completed in some forty volumes, each by a leading historian, and is obviously a literary event of major importance. Professor Notestein's volume provides the background to the series; and his mastery of the sources, resulting from many years of devoted specialist study of the seventeenth century, has equipped him particularly for the work. This book depicts English life which the seventeenth-century emigrants largely reproduced in their new American homes.

It surveys the English scene under such titles as 'The English Character,' 'The Nobles,' 'The Yeomen,' 'The Inns of Court,' 'The Churchwardens.' It is difficult to think of any feature of seventeenth-century life which does not find a place.

For American readers, the book will chiefly contribute to an understanding of why early American society took the forms it did—the New England Manorial System, the parish unit, and of the nature of Puritanism which provided much of the motive-power of the colonisation. The English reader will perhaps be more interested in the picture of the seventeenth century for its own sake. It is safe to say that no finer description—at once graphic and authentic—of early Stuart England has been written within the compass of 266 pages. Reproductions of twenty-three pictures, as nearly seventeenth-century as possible, and a dozen closely printed pages of descriptive bibliography, add to the book's attractiveness and usefulness.

Factually the book may contain little that is new, but every reader, however well versed, will find his mind continually prodded. How many, for example, realise that in 1622 Oxford had no less than 2,850 students and Cambridge 3,050? As an example of the author's historically based judgment is this word about Puritanism: 'More than any other single factor it explains the differentiation of the English from their continental cousins. It is a fashion in England nowadays to decry Puritanism; those who do so are reviling the element in their inheritance which makes them most English.' To both the historian and to the non-specialist reader the book is to be warmly recommended.

Michael Lindsay (Lord Lindsay of Birker) in the concluding chapter of his **'China and the Cold War'** (Melbourne University Press and the Cambridge University Press in this country) says that the book has dealt with two questions, 'Does the available evidence support the claims of the Chinese Government to be working rationally for peace?' and 'Are the Chinese Communists, and other Communists, acting rationally but not for peace, or for peace but not rationally?' The answer in both cases may well be taken to be in the negative, though the postscript, written after the author's visit to China with

the Labour Party delegation last year, shows that he thinks that there is a genuinely growing desire in China to find means of peaceful co-existence with outside Powers, which may make the future brighter. He thinks that much of Chinese political behaviour can be explained as determined by the implications of faith in theories which are unsatisfactory by scientific standards and by psychological influences which can be explained in terms of empirically confirmed psychological principles. Lord Lindsay writes with authority; he has spent several years in China and is married to a Chinese lady. His political views favour the Labour Party, but he is certainly not a Communist. He freely criticises much of British diplomacy in the Far East, but makes it clear that during many years an archangel could hardly have reached success with the Chinese Communists and their persistent and wilfully perverted views and opinions—not to mention their remarkably bad manners on various occasions. The book makes hard reading at times for the unphilosophical-minded, but it well deserves study and much may be learned from it.

Lord Edward FitzGerald must have been an attractive and high-spirited boy and young man. He afterwards became a rebel against the king whose commission he held and to whom he had sworn allegiance. Lady Sarah Lennox might have married George III if she had wished. She was beautiful and lively and had unfortunate matrimonial adventures till at last she married George Napier and became the mother of three famous soldier sons. If the letters of such people really deserve treatment like valuable state documents—transcribed in full without the omission of a single sentence, however trivial, and copiously annotated—then the '**Correspondence of Emily Duchess of Leinster,**' Vol. II: '**Letters of Lord Edward FitzGerald and Lady Sarah Napier,**' edited by Brian FitzGerald and published by the Irish Manuscripts Commission at the Stationery Office, Dublin, fully justifies its existence. The letters are entertaining, natural, and often very lengthy. They give a good picture of the domestic life of the aristocracy of the period, their troubles and pleasures and agreements and disagreements. There is much about health and doctors, and there are sidelights on affairs of larger public interest. The editor is very self-

restricted and confines himself to an introduction and helpful footnotes (though in some of them the names call for more careful correction). A more selective and less ample treatment of the letters would, we think, have made a better book—but of its kind it is entertaining, informative, and well worth reading.

'**Great Britain and the United States.** A History of Anglo-American Relations (1783–1952),' by H. C. Allen (Odhams), is a notable work of over 1,000 pages packed with information, historic, economic, and social facts, all providing a careful analytical study and well-balanced narrative. The book has taken five years to write and its aim is not to be merely an academic study but a convincing proof of the absolute necessity of cordial Anglo-American relations. That may be considered an obvious truth nowadays, but it certainly has not always been so, and the author gives striking instances of criticisms of each other's countries, which were uncalled for and unjustified by authors who should have known better. Mr Allen's aim is therefore to write as impartially as anyone with strong national feelings can, and he is successful in this. He begins with describing the two nations, their economic dealings, social and political contacts, and cultural, emotional, and diplomatic ties. He then turns to political history, the War of Independence and other tensions of war and peace up to 1821. Then came the period of American isolation, the Monroe Doctrine, the Civil War, and a period of thirty quiet years. Then came American imperialism, World War I, seventeen years of further isolation, World War II, resulting in world leadership after 1945. There are also five maps and a very useful bibliography. The whole book is a well-arranged and furnished storehouse of information for the student, but it is written in a way that will appeal to the ordinary intelligent, educated reader interested in a subject of world-wide interest.

'**Historical Whodunits**' (Phœnix House) is the undignified and slangy title of Mr Hugh Ross Williamson's serious and well-considered studies of famous murder mysteries in history, beginning with the murder of William Rufus, ending with the Appin murder, and including between such cases as the Princes in the Tower, Amy Robsart, Darnley and Kirk o' Field, the Gowrie Conspiracy, the Gunpowder Plot, the murders of Sir

Thomas Overbury and Sir Edmund Berry Godfrey, and the Campden Wonder. The author begins with a subtle and interesting essay on history and the writer, including Henry Ford's famous statement that 'history is bunk' and Sir Robert Walpole's 'Read anything but history, for that is bound to be false.' Prejudice and propaganda have vitiated history, even purely factual history, but a little fictional dressing is admissible to make history live. Henry VII, Elizabeth, and James I all come out badly—all were accomplices in murder, if not actual instigators. The Appin murder perhaps provides the worst parody and perversion of 'justice.' The cases in this book have intrigued and puzzled historians for generations. Mr Williamson deals with them clearly and convincingly.

The Stratford Library is a new series issued by Hutchinson of short biographies whose aim is to provide popular, yet scholarly, books for the general reader. The Series is not intended for specialists, but for intelligent adults who have a keen curiosity about the lives and accomplishments of notable people. The first two titles are **'Alexandre Dumas,'** by André Maurois, and **'Hans Christian Andersen,'** by Rumer Godden. In neither case has the author achieved the concentrated brevity needed to cover the whole span of two such prolific and fertile men. Mr Maurois's book has all the appearance of being knocked together rather in a hurry, but even this cannot repress the fantastic ebullience of Dumas *père*, both as a writer and as a liver. He admitted no limits to the amount of work he could do or to the experience he could assimilate, and, in spite of the fact that the bulk of his production has fallen out of the canon, his personality seems to have gained with time. He was a fantastic creature and one feels a little regretful that a fuller and more rounded picture of him has not been given. Miss Godden approaches Andersen rather as if his life was a fairy-tale. She emphasises the 'childhood' elements in him, but makes a more compact job than does the previous writer. Andersen is an extremely difficult man to write about because his nature was full of strange twists and rather dark shadows which are not easy to explain in the light of his passionate devotion to the entertainment of children. Both of the books are very readable, and there is no doubt that there is a place for the short biography which popularises without cheapening and surveys on a broad scale rather than peeps through the keyhole.

It is a matter of some concern to our social scientists that the continual increase in world population is reaching a stage where world food supplies will be inadequate unless constructive steps are taken to increase food production on the biggest possible scale. **'The Inexhaustible Sea,'** by Hawthorne Daniel and Francis Minot (Macdonald), is a survey of the world's oceans assessing their potentialities as illimitable food providers. They claim that the seas are 'inexhaustible.' Mr Daniel is Curator of printing and publishing at the American Museum of Natural History; Mr Minot is Director of the Marine and Fisheries Engineering Research Institute of Woods Hole: so their book can be considered to have some authoritative scientific basis. Like most works of this kind it is extremely stimulating to read: the picture they give of the teeming life of salt water and the interplay of diverse elements that make this district prolific and that arid, makes the claims they advance seem very possible. They are fully aware that some conservation would be necessary to avoid wanton exhaustion, and they make practical suggestions and indeed, cover fully the tentative experiments now being carried out in the way of ultilising and controlling marine resources. One feels that in certain ways it owes something to the highly successful book on oceanography 'The Sea Around Us' but its object is quite different. Naturally the broader aspects of oceanography are considered, but movements of currents, the general run of the sea, and displacement of water under various climatic zones of the world are only described as they relate to their effect on the density of fish population. One feels that they have made a practical contribution to an important subject which may be of immense help to the ever-increasing inhabitants of the dry land.

The colour question in the United States is a stormy story of repression mitigated by many unselfish, devotional attempts to break down prejudice and to provide for the Negroes equal status and opportunities with the White Americans. In one or two cases there have been coloured emancipators who have tried to bring about a quick equality and have done so by methods that appeared rather flamboyant and stagy, but which nevertheless were sincere attempts to regularise the status of the Negro. One of these Negro emancipators was Marcus Garvey and his biography is told in **'Black Moses: The Story of**

Marcus Garvey and the Universal Negro Improvement Association,' by Edmund David Cronon (University of Wisconsin Press). Garvey's Association seemed to many people a grandiose scheme, but he did discover the mass appeal which gained for him extraordinary financial and moral support from the rank-and-file Negroes in the United States and, indeed, in many other parts of the world. He essayed Negro business on a big scale, starting the Black Star Line of ships for trade between Africa and America, but in this he crashed badly. His public appearances were dramatised in a way that made many of his critics describe his speeches as a combination of bombast and stirring heroics. He sometimes donned academic fur-trimmed robes to impress his audience with his culture. He had had, by the way, no formal education. His dress parades and mammoth conventions set Haarlem in a state of ferment and amazed New York, but his business failures finally brought him to the Atlanta Penitentiary in 1925 and caused him to be deported in 1927. Mr Cronon's fully documented account of his career does, in spite of the abundance of slightly dubious highlights, convince one that, underneath all the flamboyance, Garvey had a consistent integrity that introduces a note of pathos to his hopes and dreams for the complete freedom of the Negro race.

The large body of Shakespeare research has received a valuable addition in **'The Shakespeare First Folio: Its Bibliographical and Textual History,'** by W. W. Greg (Oxford University Press). Mr Greg states that it was originally planned as an introduction to a facsimile edition of the volume. As this volume fell through he extended his introduction to make a book in itself. Mr Greg's arguments and deductions seem always to have a sound and reasonable basis. He is not of the school of the 'fantastical imaginers.' He denies any claim to originality but states that his aim was 'to set out the evidence and summarise on each point under discussion the view now generally held by scholars or, if there is no commonly accepted opinion, the view that seems best in accord with the evidence.' The last two years have seen some uncommonly good books added to the Shakespeare Library. Mr Greg's work can well stand beside these on the textual side.

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Author of The Alleys of

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Maps and Illustrations

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